The Nation.

NEW YORK, THURSDAY, MAY 21, 1891.

The Week.

EVER since 1884 we have been inclined to suspect all Republican quotations which in any way helped the cause. That is to say, we have always been inclined to believe that they were either sheer forgeries, or that they came from some other source than the one to which they were ascribed, or that they had been modified in some such way as to alter the sense. We could produce conspicuous illustrations of all these offences. Accordingly, when we found this in the *Tribune* of Monday, coming from Secretary Tracy, we took the precaution to go to the original report:

"The Navy Department has fortified itself with legal authority for the present pursuit, and finds ample defence for the seizure upon the open seas in the decisions of the Supreme Court. A hundred years ago that tribunal decided (Rose vs. Henley) that 'the seizure of a ship upon the high seas after she has committed an act of forfeiture within the territory, is not inconsistent with the sovereign rights of the nation to which it belongs. Whatever the great principle of self-defence, in its reasonable and necessary exercise, will sanction in the individual, in a state of nature, nations may lawfully perform upon the high seas. And again (Hudson vs. Genster): 'The laws of the United States upon the subject appear to have been framed after a model of the English statutes, and the act of 1799 expressly authorizes the seizure of a vessel that has, within the jurisdiction of the United States, committed an act of forfeiture, wherever she may be met with by a revenue cutter, without limiting the distance from the coast.' This principle was again recognized in the Supreme Court in the case of the *Mariana Flora*, where Mr. Justice Story says: 'It is true that it has been held in the courts of this country that American ships offending against our laws, and foreign ships in like manner offending within our jurisdiction, may afterwards be pursued and seized upon the open seas and rightfully brought back into our ports for adjudication.'"

What we found, in the case of Rose vs. Himely (not Henley) was, that the court, through Chief-Justice Marshall, decided *exactly the other way*, and that the dictum here quoted came from the *dissenting opinion of Justice Johnson*. Moreover, the case was not in point for the purpose of the present discussion. The question was whether "a French Admiralty Court which had condemned an American ship" had "competent jurisdiction," and whether the Supreme Court "could examine the jurisdiction of a foreign tribunal." Both the other cases cited are cases of merchant vessels. The *Mariana Flora* was a Portuguese mercantile ship captured and brought in by a United States cruiser for firing on her under a mistaken notion of her character. It was apropos of her that Justice Story made the statement quoted, which nobody has ever questioned, but his qualifying sentence has been left out: "This, however, has never been supposed to draw after it the right of visitation or search. The party in such cases seizes at his peril. If he establishes a forfeiture, he is justified. If he fails, he must make full compensation in damages." This everybody has always known. The *Charleston* might, at her peril, seize a mail steamer on the high seas, but whether she could legally seize the man-of-war of a belligerent is another matter.

President Harrison is back in Washington from a long and successful tour of the country. He seems to have had a good time, and the trip ought to be of service to him in more ways than as affording a change of scene. He has made a great many speeches, and they have been as a rule very creditable, while he has not "slopped over" anywhere. There has been considerable speculation as to the effect of the tour upon Mr. Harrison's personal fortunes. No reason appears for attaching any special importance to it in this respect. He returns the same sort of figure in his party that he started—its nominal head, but without the slightest hold upon its affection or enthusiasm. It still remains as necessary as before for his son to explain through his newspaper that the father is really a great man; and the prospect of being obliged, by force of circumstances, to support him for a second term is no more attractive to Republicans generally than it was a month ago.

Now that China has refused to receive Mr. Blair as our Minister, it comes out that the present Minister, Mr. Denby, has filled the post so well that all who were familiar with the facts had sought to secure his retention. A missionary of the American Board in North China for years, now in this country, says that the American missionaries of all denominations are heartily in favor of Mr. Denby's retention, and had petitioned President Harrison to that effect. It appears that, upon arriving in China, Mr. Denby decided that it was an important part of his duty to look after the missionaries, and that their interests as residents in a foreign country have never before received such careful attention. He has been equally conscientious in regard to his other duties, and this missionary declares that "no new minister could do better than Mr. Denby has done for American interests in China." In view of these facts, two or three Republican newspapers are urging President Harrison to retain Mr. Denby, in spite of the fact that he is a Democrat. The Springfield (Mass.) *Union* thinks that "President Harrison might do worse than to allow him to remain," while the Norwich (Conn.) *Bulletin* admits that "between such a representative and Mr. Blair a good many people would prefer Mr. Denby," and thinks that "perhaps President Harrison will come to the same state of feeling." We must warn the *Union* and the *Bulletin* that they are getting upon dangerous Mugwump ground. The Mugwumps hold that fidelity and efficiency should be the only sure tenure of office, and that a man who has shown himself conspicuously faithful and efficient—whether as Minister to China or as Postmaster of Boston—should be retained. But it will be remembered that when the question of reappointing such a postmaster was pending last March, Mr. Harrison decided against it for this reason:

"The President thought that, considering the attitude of the Democratic party, which was murdering United States marshals and expelling Republican postmasters from their offices in the South, and endeavoring to overthrow constitutional government by revolutionary proceeding both in the House and Senate, and by preventing honest elections wherever they could get the power so to do, it was not wise to appoint to an important office a person who made no expression anywhere of disapprobation of these things, and whose political influence, so far as it was exerted, was in their favor."

We can see no reason why this argument does not apply to Mr. Denby as well as to Gen. Corse. He has had ample time to express himself on these questions, but not one word of disapprobation has he uttered. All the talk about the missionaries in Mr. Denby's case, like that about efficiency in Gen. Corse's case, is really *aliunde*. The only question is, To which party does he belong?

The most creditable feature of Mr. Harrison's Administration has been the President's judicial appointments, which, as a rule, have been excellent. Apparently he intends to maintain the high standard which he has hitherto reached during the remainder of his term. No sooner had he returned to Washington than "pressure" was brought to bear upon him for the immediate appointment of the nine judges who are to constitute the new appellate court which was created at the last session of Congress, but he announced on Monday his determination not to make the appointments until the names of those selected could be sent to the Senate for confirmation. This is the only reasonable and proper course to pursue. Whether or not the letter of the Constitution would permit the President to make such appointments while the Senate is not in session, the spirit of that instrument is clearly opposed to the placing upon the bench, by the President, of a judge who may be forced to surrender his seat a few months later because the Senate refuses its "advice and consent" to his appointment.

A fresh scandal about the Pension Bureau must have imparted a familiar odor to the official atmosphere of Washington as the President sniffed it on his return on Friday. He at least ought not to have been surprised to hear that the son of his Commissioner of Pensions had been forced to resign for selling appointments in the Bureau and appropriating to his own uses petty sums of the Bureau's money. The son has evidently been imitating his father's methods, and doing so with the belief that they were safe ones for him to practise, since the President had kept

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his father in office in the face of all evidence that he was using his position for unworthy ends and personal pecuniary profit. If the father did not know what the son was doing, the fact that the son could do what he did without instant detection is a fresh proof of the lax and irresponsible system upon which the Bureau's affairs are conducted.

Delaware falls in line as the twenty-fifth State to pass a ballot-reform law. The measure is an entirely satisfactory one, being a thorough adaptation of the Australian system. It provides for a blanket ballot, prohibits the use of pasters, and forbids the use of any except official ballots, which can be obtained only in the polling-places. The compartment or booth system of voting is to be followed, so that a really secret, exclusively official ballot has been obtained. The Delaware law-makers have not been influenced, as those of New Jersey and Connecticut were, by Gov. Hill's pernicious assaults upon the Australian system, although an effort in that direction was made. Their law is, in fact, as good a ballot law as any other State has secured. There are only three separate-ballot laws, those of New York, New Jersey, and Connecticut; all the other twenty-two States having adopted the blanket ballot.

Ex-Congressman Butterworth does not take a rosy view of the prospects for electing Mr. McKinley Governor of Ohio. "From what I hear," he is credited with saying, "I suppose McKinley will be given the nomination by our people—the Republicans—for Governor. The issue will be the old tariff question. Whether it is wise to make a State campaign on such a national issue, I will not say. It seems that it will be done, however. You must remember that nominating conventions do not make issues—issues create themselves. But this I will say—no high-tariff issue will ever succeed in this country, as the lesson of last fall taught us. I would never be in favor of it, and yet I have always been a strong advocate of the protective idea. The high-tariff idea can never carry, and it would be as calamitous as pestilence if it did." This is the opinion of a man who, though he opposed some of the provisions of the McKinley Bill, voted for it on its final passage. It would be depressing kind of talk to have making itself heard in Ohio during a McKinley anti-cheapness campaign, but there are evidences that, if Mr. McKinley is nominated, Mr. Butterworth will not be the only Ohio Republican who will indulge in such talk.

The McKinley Administrative Law is working precisely as every competent student of its indefensible provisions foresaw it would. The *Dry Goods Economist* says that "denunciation and disapproval continue to pour in from all quarters for the act and its effects;" that it seems "impossible to find a champion for the system it has established either among importers, lawyers, or judges," and that the only persons "who advocate its continuance in an unchanged form are a few of the 'Knownothing' merchants, who openly avow their desire to prevent importations and their approval of whatever tends to that result." That was the kind of merchant for whom the law was designed, and whose interests it was supposed to benefit. Concerning the ulterior motives of the originators of the measure, the *Economist* says:

"As the Supreme Court has recently refused to give priority to this class of cases, an importer who wins before the Board and before the Circuit Court has now the cold comfort of waiting three or four years to see whether the Supreme Court will sustain the decision in his favor. And the matter of most unpleasant significance in all this is, that those who rejoice in the barrenness of results from the contentions of importers, profess to know that the intentions of the law's framers are thus being carried out. In other words, it is seriously maintained by many that McKinley's Committee devised a scheme, under the pretence of reform, to do away with all contests as to rate, and make the Collector's decision absolute and final."

Our readers will not be surprised at this view of the intent of the law. It was inspired by that kind of "genuine Americans" who look upon importing as a criminal business which should be prevented by any means, legal or illegal, and upon importers as a class of anti-Americans who should be driven out of the country or into bankruptcy for their diabolical efforts to sell the American people such foreign products as they are unpatriotic enough to wish to buy.

A St. Louis correspondent of the *Times* has investigated the celebrated "Tin-Plate Works" of that eminent Republican manufacturer, Mr. Niedringhaus, and has discovered that they consist of a shed fifty feet long, fifteen feet wide, and ten feet high. This immense edifice, of rude and hasty construction, is divided into three rooms. The first of these is obviously the Preparatory Room. In it the reporter discovered several small piles of sheet iron, of tin-plate size, upon which a "force," consisting of one young man and a boy, were operating. The boy had handed a plate to the man, and the man was rubbing it with a rag. Whether both man and boy were genuine Americans, the reporter was too dazed to inquire. Passing to the next room, which was obviously an annex to the Preparatory Room, a second "force," consisting of three men and two boys, was discovered, doing nothing in particular except to pass on towards the third room the plates which had been through the rag-rubbing process. Whether this "force" was genuine American or not, the reporter also failed to ascertain. In the third, or "Dipping Room," the reporter came at once upon the very citadel of the works. In a space three feet by five, he was shown the entire plant, consisting of three pots, set in a brick-like furnace, and containing liquid tin boiling away like fury. Two full-grown men composed the "force" in this room, both hard at work, one dipping a plate in one of the pots and the other looking on to see what came of it. The dipper spoke with a strong English accent, and confessed without shame that he was from Swansea, Wales, where he had learned the tin business. He showed his anti-American bias by saying that the work which the "force" in the Preparatory Room was doing was "gals' work in the old country." None of the tin plate thus turned out is for sale, Mr. Niedringhaus simply manufacturing it for distribution at Republican conventions and among Republican newspapers.

The Kentucky Democrats have adopted a platform which is strong and sound on the tariff and the McKinley Bill, but they have weakened the effect of it by a free-coinage declaration which reads as if it had been borrowed from the Farmers' Alliance. Mr. Blaine will be interested to see that they have borrowed, without due credit, his famous denunciation of the McKinley Bill as a measure which "does not open a market for a single bushel of wheat or a single barrel of pork."

A few weeks ago Neal Dow induced the Maine Legislature to amend the Prohibitory Law in such manner as he declared would put an end to the liquor traffic. The new statute went into effect on the 1st of May. The Lewiston *Journal*, a Republican newspaper which believes in prohibition and always tries to make out the best possible case for that policy, in its issue for the 12th of May, says that "a correspondent from Belfast writes in a disheartened strain in regard to the liquor business there. Rum-selling will run riot there this summer, the rumsellers having taken new courage from the results of the late session of the S. J. Court, where all the cases but one were either nol-prossed or found not guilty. Another new rum-shop opened on lower Main Street, Saturday, when court adjourned, and now there are more than twenty places where intoxicating liquors are sold without let or hindrance." Belfast is a place of less than 6,000 inhabitants, and "more than twenty" rum-shops in a town of that size means about the same ratio to population as in New York city.

The history of the modern literary use of the word "mugwump" is enlarged by a recent contribution to the *Vermont Standard* from Mr. Henry S. Dana of Woodstock, Vt. Mr. Dana is deeply versed in neighborhood matters, and has written an elaborate history of Woodstock. He says that the *American Whig* newspaper, published for several years in that town, contained the following, under date of August 24, 1832:

"DYING CALL," OR THE CAT LET OUT OF THE BAG.

☞ Through the politeness of an anti-Masonic friend in a distant town we have been furnished with a copy of the *secret bulletin* of the Clay Masonic party. It has extensively circulated among the Knights of Kadosh and the Most Worshipful Mugwumps of the Cabletow nearly a month ago, and with so much "secrecy and caution" that we have been unable to get sight of a copy until the present moment.

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Mr. Dana says: "The credit of starting the word 'Mugwumps' in the public print must be given to our fellow-townsman Henry S. Hutchinson, until some person appears who can establish a prior claim." It may be doubted whether at this distance of time a claim prior to 1832 can well be established by production of a printed record; but ever since the days of the Pilgrim Fathers the word has been familiar in New England communities. Because it was thus familiar, the Vermont editor sixty years ago used it in addressing the plain people of his constituency. He knew that they would understand it. It is to be noticed that the term invariably denotes some excellency or superiority in the persons to whom it is applied.

The Wharton School of Finance and Economy, connected with the University of Pennsylvania, has a course of study preparatory to journalism, concerning which the school's prospectus makes the following statements: "The position of editor or editorial writer on a journal is one of great responsibility and importance, and no such person can be too well prepared for his work. A course of study in political economy and finance, and in American history and politics, is almost indispensable to any editor who wishes to write intelligently upon the countless subjects of public policy upon which the newspaper must take a stand." Why say "*almost* indispensable"? Do the Wharton instructors intend to admit that there can be any intelligent editorial writing upon questions of public policy by men who have not pursued such a course? That the newspaper "sanctums" of the land are crowded with men who are writing every day without the aid of such preparatory study, every reader of newspapers must admit; but no one can call the wonderful "copy" they are producing "intelligent." Possibly the Wharton School authorities put in the "almost" to avoid the danger of seeming to reflect upon the press of the country as a body. The course of study which they outline is the best that we have seen yet in any quarter for the work in hand, and is, in fact, the only kind which can fit a man for useful and competent journalistic writing. It would, of course, unfit him utterly for "breezy, brainy, newsy, crisp" writing, for the peculiarity of that is, that the less preliminary study of all kinds a man has, the greater will be his success in it.

We remarked the other day, prior to the action of the New York Presbytery unfavorable to Prof. Briggs, that it was only a question of time before his views would win acceptance in his denomination. The striking array of young ministers who voted to sustain him is in strong confirmation of our opinion. They were not alone graduates of Union Seminary, and so naturally disposed to defend a professor under whom they had studied; even the Princeton graduates are going the way of the higher criticism, if you can only catch them young enough. Three young ministers of Princeton training now occupy prominent pulpits in the Presbyterian pulpit of this city. That fact was given considerable prominence not long ago as an instance of the way Princeton men were coming to the front, even under the shadow of Union Seminary. But they all support the accused Union Seminary professor, and one of them figures as his avowed defender. For the present the gray heads and the superannuated ministers no longer in the active pastorate have the weight of numbers. A few years will reverse the balance. Only, the pity of it is that, by the time the victory is won, the issue will have become obsolete for the educated world, other questions will be the living ones, and then we shall see these progressive young men metamorphosed into the stern excommunicators of the progressive young men of the next generation.

The long contest over the opening of the Metropolitan Museum on Sunday was brought to an end on Monday by the surrender of a majority of the Trustees to a monster petition, accompanied by a guarantee of the increase of expenditure for one year. Only two objections to the opening have been produced from the beginning of the agitation. One was, that the collection was the result of contributions from individuals most of whom were opposed to the opening on Sunday, and that as their continued pecuniary support was of the last importance, their wishes should be respected. This dwindled, in the course of the discussion, into an acknowledgment that the wishes of these gentlemen might be disregarded if the money could be found to meet the increased expense which the Sunday opening would entail. The other objection was the one known as "the entering wedge," which was set forth in the petition signed by a good many leading clergymen of the city. Their contention was that the opening of the Museum on Sunday would be "a perilous experiment, opening the way to Sunday theatres and operas, beer gardens, music and dance halls, and the features of what is called a Continental Sunday." How it can be considered "a perilous experiment" we do not know, seeing that it has been tried with regard to similar institutions in Boston and Philadelphia for ten years, and has been perfectly successful. Nor do we clearly understand what is meant by "opening the way," seeing that by no possible effort of the imagination can the Museum be looked on as stopping or having stopped the way to a "Continental Sunday."

The truth is, that the old Puritan Sunday for which the signers contend, disappeared from this city long ago. The great bulk of the population have for fully a quarter of a century been passing Sunday either in the Continental fashion or some worse fashion. That is to say, they have either been amusing themselves on Sunday as Frenchmen or Germans generally do, or in ways far more objectionable. To suppose that the closing of the Metropolitan Museum on Sunday has exerted the smallest influence on this tendency, is to be in the highest degree fanciful. We doubt if the denial of access to the Museum on Sunday has sent a single human being in this city to a place of worship, or kept a single human being away from any place of amusement, or modified the views of a single human being on the question which were right—Anglo-Saxon Protestants or Continental Protestants—touching the nature and requirements of Sunday observance. What the closing of the Museum on Sunday really stood for was the scruples of a small and highly respectable body of gentlemen whose authority in matters of art every one respected, but whose authority on questions of ethics, or Biblical or historical criticism, had no weight at all. The Museum on Sunday was, in fact, simply a little island in the midst of a mighty current which was carrying everything else before it. The civilized world may be said, without exaggeration, to have decided against the Jewish view of the Sabbath. Whether this will prove eventually a good or bad thing, no one can tell, but it is final. Our opinion is that the moral interests of all the Western communities will be helped by it, certainly in the great cities, where the temptation on the part of non-church-goers to pass the day in sordid lounging, in the absence of innocent and refined amusements, is so strong.

The financial question has been the black one for Spain for many years, and the latest proposals of the Government are not of a sort to promise a lasting settlement of the difficulty. The truth is, the country has been running behind steadily for more than a decade. The floating debt is at present upwards of $60,000,000, being the amount by which expenditures have exceeded receipts since the slate was sponged clean ten years ago. Every Minister of Finance, during this period, has made out a roseate budget in advance, but the estimates have invariably turned out ludicrously wide of the mark. The Opposition is always charging the Administration with imbecility in the management of the finances, and is always going the same old bad way when it comes to power. Thus great things were expected of the Cánovas Ministry, but nothing is forthcoming but another of the familiar shifts to stave off the evil day. The Bank of Spain is to loan the Government $30,000,000 for thirty years without interest, and in return for this favor is to receive highly valuable considerations. In the first place, its charter, including the exclusive privilege of issuing bank notes, is to be extended seventeen years. It would expire in 1904, but is now to run till 1921. Then, no limit is to be put upon its issue of bills. The bank's capital is at present $30,000,000, and it is not authorized to issue notes beyond the amount of $150,000,000. With its capital thus multiplied by five, its privilege is already immensely valuable, and enables it practically to absorb all the banking business of Spain. The removal of all limits on its circulation, and the doubling the time its charter has to run, would seem to be cheap at the price it it is proposed to pay for them.

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THE ITATA CASE.

THE extraordinary carelessness in matter of law and precedent with which the business of the State Department is conducted under Mr. Blaine, as illustrated by the Reiter incident and the Bering Sea discussion, probably accounts for the confusion of the public mind at this moment touching the rights and wrongs of the chase of the *Itata* by a United States man-of-war, now going on. There are only three classes of vessels which our men-of-war can chase and capture on the high seas—*i. e.*, outside of our jurisdiction—viz., slave traders, enemies, and pirates. The *Itata* is confessedly not a slave-trader; she is not an enemy, because we are not at war with any Power. Is she a pirate? Nobody pretends that she is. A pirate is a vessel which carries no national flag and has no commission from a government. The *Itata* carries the flag of the Chilian Congressional party, now carrying on a civil war in that country.

What is our proper attitude towards the parties to a conflict in a foreign country, which, through its persistence and the force displayed on both sides, has risen to the dimensions of a civil war? There is no difficulty in answering this question. Authorities on the subject are plenty as blackberries. Wheaton says, "that a foreign Government may either remain neutral or take part in the conflict [civil war]. If it remains neutral, it is bound to allow impartially to both belligerent parties the free exercise of those rights which war gives to public enemies against each other" (Lawrence's ed., p. 40). Bello says, "When a republic is divided into two parties which mutually treat each other as enemies, the war is called *civil war*, which means war between fellow-citizens. . . . Howsoever much one of the two parties gives to the other the title of rebel or tyrant, the foreign Powers who desire to maintain their neutrality ought to consider both *as two States*, independent as respects one another and other States who recognize no judge of their differences" (Lawrence's note to Wheaton, p. 524). Says Attorney-General Black, in his opinion given under Buchanan in the Peru controversy in 1858, "When the people of a republic are divided into two parties, who take up arms and oppose each other by military force, *this is civil war*. Supposing, however, that the rebellion is partly successful, and the old Government maintains itself in one part of its territory, while it is obliged to surrender another, shall it then give the law where it has no power to enforce obedience, or shall its authority be confined to the territory it occupies? A revolutionary party, like a foreign belligerent Power, is supreme over the country it occupies as far and as long as its arms can maintain it" (Opinion of Attorney-General Black, May 15, 1858, Congress. Doc. Thirty-fifth Congress, first session.) Secretary Cass endorsed this opinion in the same controversy. It accords with that of the Supreme Court in the case of Rose v. Himley, Cranch's Rep., vol. iv., p. 272; also in several prize cases which came before the Supreme Court in the December term in 1862, when the court laid down as one of the rules governing the matter in hand: "War is that state in which a nation prosecutes its right by force, and it is not necessary that both parties should be acknowledged as independent nations or sovereign States, nor that war should be solemnly declared. As civil war *is never publicly proclaimed, eo nomine*, its actual existence is a fact in domestic history which the courts are bound to notice and know." Hall, the latest writer on international law, while acknowledging that belligerents in a civil war cannot demand recognition as a matter of strict legal rights, says they always receive it when the hostilities bring them into contact with a neutral foreign State (p. 36-7).

It is an easy inference from all this that if the *Charleston* should overtake the *Itata* now, she would find her a public commissioned ship, and, if she attacked and destroyed her, would be violating our neutrality by taking part in the hostilities on the side of President Balmaceda. The title of the Chilian Congressionalists to belligerent rights is made doubly strong by the fact that they are or were the most important part of the regular Chilian Government. The pretence that the Congress recently elected in the part of the country held by Balmaceda's troops, and doubtless under his military supervision, takes the place of the ante-bellum Congress, is too absurd for discussion. There can be no election in Chili of a legitimate Congress until peace is restored.

But it is said, the *Itata* violated our neutrality laws, and therefore we have a right to pursue and capture her wherever found, as a fugitive from our justice. Our neutrality laws are domestic legislation, governing, like all other domestic legislation, all persons within our jurisdiction as long as they are within it. Persons who violate them, however, like other criminals, can only be captured within our jurisdiction. If the *Itata* were an American ship, she could be pursued and captured anywhere on the ocean, because we have jurisdiction of American ships on any part of the high seas. But we have no more right to capture foreigners on foreign ships on the high seas, unless they are pirates, slave-traders, or enemies, than we have to pursue forgers or murderers into Canada or Mexico. Since Mr. Blaine began his Bering Sea controversy, the notion has got into many heads that the United States can exercise police powers over the whole ocean under the United States statutes; but this notion, though pleasant and gratifying to the national pride, will not bear legal examination. If there be only one nation in the world which should stand, as it has always stood, for law, in these matters, we are that nation. On this particular point of the responsibility of neutrals (since the *Alabama* case) for the departure from their ports of vessels partially prepared for war, and receiving their armaments at sea, for which we contended before the Geneva tribunal, Hall says:

"The intent of acts, innocent separately, but rendered by this theory culpable when combined, can only by their nature be proved when the persons guilty of them are no longer within neutral jurisdiction. They cannot, therefore, be prevented by the State which is saddled with responsibility for them; and this responsibility must mean either that the neutral State will be held answerable in its own body for injury suffered by the belligerent, in which case it will make amends for acts over which it has had no control, or else that it is bound to exact reparation from the offending belligerent, at the inevitable risk of war.

"If this doctrine were a legal consequence of the accepted principles of international law, it might be a question whether it would not be wise to refuse operation to it on the ground of undue oppressiveness to the neutral. But no such difficulty arises; for, as responsibility is the correlative of power, if a nation is to be responsible for innocent acts which become noxious by combination in a place outside its boundaries, it must be enabled to follow their authors to the place where the character of the acts becomes evident, and to exercise the functions of sovereignty there. But even on the high seas it is not permissible for a non-belligerent State to assume control over persons other than pirates or persons on board its own ships; and within foreign territory it has no power of action whatever" (Hall's Int. Law, p. 610–11).

This means, among other things, that we cannot scour the ocean in quest of foreign offenders against our laws. Our remedy for the offence of the *Itata*, whatever it be, is at present to be sought from the Chilian Congressionalists by formal application. Whether she has committed an offence remains to be determined, for it is good law that American citizens may sell ships fit for war to foreign belligerents even, no matter where they take on their armaments. At all events, the fact and nature of her offence are to be settled by the courts, and not by the captain of the *Charleston* and by the Secretary of the Navy crying, "Sic 'im! Sic 'im!"

THE ALABAMA PRECEDENT.

THE New York *Times* produces, as an authority for the pursuit of the *Itata*, the judgment of the Geneva Tribunal in the *Alabama* case, which, as quoted by the *Times*, was as follows:

"And whereas, with respect to the vessel called the *Alabama*, it clearly results from all the facts . . . that the British Government failed to use due diligence in the performance of its neutral obligations, and especially that it omitted, notwithstanding the warnings and official representations made by the diplomatic agents of the United States during the construction of the said No. '290' [the *Alabama*], to take in due time any effective measures of prevention, and that those orders which it did give at last for the detention of the vessel were issued so late that their execution was not practicable;

"And whereas, *after the escape of that vessel, the measures taken for its pursuit and arrest were so imperfect as to lead to no result*, and therefore cannot be considered sufficient to relieve Great Britain from the responsibility already incurred; . . . .

"Four of the arbitrators, for the reasons above assigned, and the fifth for reasons separately assigned by him, are of opinion that Great Britain has in this case failed, by omission, to fulfil the duties prescribed in the first and third of the rules established by the sixth article of the Treaty of Washington. . . .

"The Tribunal, making use of the authority conferred upon it, . . . awards to the United States a sum of $15,500,000 in gold as an indemnity to be paid by Great Britain."

We could not have desired a better illustration than this of the soundness of our position as to what kind of pursuit is permissible on the high seas to national vessels.

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To know what the "pursuit" was which the Tribunal condemned as "imperfect," we must go to the American pleadings to see on what grounds the American counsel sought redress against Great Britain. There is a volume lying before us now, entitled 'The National and Private *Alabama* Claims,' published in 1871 by Charles C. Beaman, a well-known member of the New York bar, containing an elaborate and careful statement of the American claims before arbitration was decided on. In this work, which we commend to the perusal of the editor of the *Times* as containing a very complete history of the neglect by Great Britain of her neutral duties, he will find at p. 226 the following summing up of what Great Britain ought to have done after the escape of the Confederate cruisers from her ports:

"(1.) She could have withdrawn the protection given to them by the Queen's proclamation.
"(2.) She could have seized them in any English port.
"(3.) She could have forbidden their entrance into any English port."

Nothing here about pursuit and capture on the high seas.

Now, let us turn to the American case as presented to the Geneva Tribunal by the American counsel, and see what that says as to the nature of the British shortcomings. The counsel of the United States, applying the "rules" agreed on by the Treaty of Washington to the conduct of the British Government regarding the Confederate cruisers built or equipped in British ports, say ('Papers relating to Treaty of Washington,' vol. iii., p. 186):

"(*a.*) The British Government did not use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of certain vessels which it had reasonable grounds to believe were intended to cruise or carry on war against the United States.
"(*b.*) The British Government did not use like diligence to prevent the departure from its jurisdiction of certain vessels to carry on war against the United States, such vessels having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.
"(*c.*) The British Government did permit or suffer the belligerent rebels of the United States to make use of the ports or waters of Great Britain as the base of military operations against the United States, or for the purpose of renewal or augmentation of military supplies, or arms, or the recruitment of men for naval warfare.
"(*d.*) The British Government did not use due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the stipulated rules (article vi.).
"(*e.*) Finally, the British Government has failed to fulfil certain duties, recognized by the principles of international law, not inconsistent with the foregoing 'Rules.'"

There is not, in fact, either in the correspondence, or negotiations, or litigation arising out of the *Alabama* claims, the shadow of a suggestion, much less an assertion, that Great Britain was bound or had the right to pursue any of the escaped Confederate cruisers on the high seas.

What, then, did the Tribunal mean by saying "that, after the escape of that vessel [the *Alabama*], the measures taken for its pursuit and arrest were so imperfect as to lead to no result"? It meant that after the escape of the *Alabama* from Liverpool, July 29, she ran into Moelfre Bay and there, in *British waters*, remained unmolested, taking crew and equipment on board from Tuesday night, July 29, to the morning of August 1. It meant that no orders were sent to the collectors to seize her in any British ports till the evening of July 31st. It meant that she ran into the British port Port Royal, Jamaica, where she provisioned and coaled without hindrance, as well as into various other British ports, and finally, a year later—August, 1863—actually lay in British waters, Saldanha Bay, at the Cape of Good Hope, for several days, sallying out therefrom to make captures in full sight of the inhabitants and of a British man-of-war, and returning afterwards to her anchorage. In short, England was condemned for not capturing her when she came back within British jurisdiction. The pretension on which the cruise of the *Charleston* is based was never set up or heard of in the controversy.

A writer in the *Sun*, dating his letter from Washington, points out very sensibly that the *Alabama* furnished a much worse case of the violation of neutrality laws than the *Itata*, inasmuch as she was a British ship, built in England for warlike purposes, and intended to be used as a man-of-war by a foreign belligerent. She, therefore, put the neutral obligation to stop her, as against England, in the strongest shape it could assume. It could not have been made stronger except by her open and complete equipment as a man-of-war in the port of Liverpool. There is no proof that the *Itata* was intended to be used as a fighting ship in any way whatever. We see by the Washington correspondence of both the *Times* and *Tribune* that Secretary Tracy was in the State Department on Sunday studying the law of the "chase" on which he has sent the *Charleston*, and that he has become "strengthened in his conviction," the *Times* says, that he has the legal right to "seize the *Itata* anywhere on the high seas." It seems a great pity that the Secretary of the Navy, as well as Mr. Blaine, could not study the law of their various enterprises before plunging into them. The time to examine neutral rights and duties thoroughly, and on Sunday if necessary, is before and not after having sent cruisers to sea with orders to commit acts of hostility. It is the more necessary to say this because Secretary Tracy has already contributed some striking novelties to international law—notably the rule that a naval commander is not only bound to protect fugitive foreign criminals, on board American ships, from the local police in ports of their own country, but to cruise outside, when he hears they are coming, and escort them to "the haven where they would be"; and that an officer who does not do this is not fit to command an armed ship. We are sure this was evolved from his inner consciousness, and was not the result of an examination of the books.

We observe that he has told the *Tribune's* Washington correspondent that "the confusion" in the minds of his critics seems to arise "in failing to distinguish between the right to pursue and seize an offending ship and the obligation to pursue." We do not know where this distinction exists except in his own head. The right fixes the measure of the obligation. Whatever we can do in reason we are bound to do. The British Government was not expected to put a battalion of infantry on board the *Alabama* to prevent her escape, and, if it had been bound to pursue her, would not have been bound to send a fleet after her, or anything more than a ship likely to catch her and overpower her if she resisted. It was bound to do whatever was *sufficient* to prevent her sailing, and whatever was necessary to insure her capture if she returned to British waters, but no more. It may be of some use to recapitulate, both for the Secretary and for the various journalistic pundits who are now hunting up precedents for him, that the *Alabama* case, as regards us, swallowed up all other cases; that neutral rights and duties underwent a more thorough examination before the Geneva Tribunal than they have ever before received; that the Tribunal itself was an illustrious one, and the litigants two great nations, and that the American claims were presented by the pick of our bar, and in their very strongest form; that the right or obligation of Great Britain to pursue and capture on the high seas belligerent vessels guilty of violating her neutrality laws, was not asserted by us; that the finding of the Tribunal, as it stands, took no notice of such right or obligation, and is even now considered unduly severe on neutrals. It would have been intolerable if it had included Secretary Tracy's notion, because every court and moralist would have held that power to put a stop to a wrong always carries with it the duty of exercising the power.

THE FRENCH BIRTH-RATE.

A RECENT number of *La Réforme Sociale* contains a paper on the growth of the French population read before the Société d'Économie Sociale by Prof. Charles Richet, and dealing with what many French publicists consider an alarming national symptom that is to say, the slow growth of the population in France as compared with other countries, notably with England and Germany, and the rapidly decreasing birth-rate. Prof. Richet shows in one table that while France has gained during the last sixty years only six millions of population, England has, during the same period, gained fifteen millions, and Germany twenty-three millions; in another table he shows that the number of births for each 10,000 of population has fallen in France from 261 in 1873 to 237 in 1887, while in England the decline during the same period has been from 378 to 316, and in Germany from 410 to 386. He views these facts with alarm, and suggests some remedies in the way of legislation.

It is not without interest to follow his reasoning in order to see on what slender grounds a man of science can persuade himself to hold opinions on an important sub-

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ject. He admits that for a laboring man—that is to say, for the mass of the population—a large family is not desirable; that, both morally and materially, a small number of children will be better nurtured and brought up in a poor household than will a greater number; but he adds that while it may be better for each individual family to be small, it is necessary for the welfare of the country at large that there should be large families. In other words, by adding together the misery of several millions of households, he thinks it possible to build up the happiness of the commonwealth. No less interesting are his reasons for asserting that national happiness is dependent on a large population. A country which has a small population will, he says, ultimately be swallowed up by its more populous neighbors; it will lose its independence; and, what he finds most deplorable of all, its language will not be diffused over the world. It is not that he fears that French will disappear, or will cease to be spoken by the French; one might find it possible to sympathize with such a grievance, even though feeling it to be somewhat sentimental. But when he says, "If we remain stationary, foreigners will no longer be forced to learn French, and French will only be spoken by the French; and that will be only a small matter considering how few Frenchmen will exist in 100 or 200 years," one can only exclaim, "Tant de bruit pour une omelette!" In order that, one or two hundred years from now, Englishmen and Germans shall feel obliged to study French conjugations and declensions, the French workingman of to-day is to give up his ease and raise a large family! Surely this is Chauvinism run mad.

No less antiquated and pre-Malthusian than Prof. Richet's point of view are the remedies he proposes in the way of favoring, by legislation, the fathers of large families, and in the way of burdens to be laid on those who contumaciously even refrain from marrying. All of these remedies and many more have been tried in ancient and modern times, and much more drastically than the spirit of our time would tolerate. The Romans had their bachelors' tax (*æs uxorium*) and their "lex Julia et Papia Poppæa," which brought pressure to bear by limiting the right of inheritance of the unmarried and the childless. In the seventeenth and eighteenth centuries there was well-nigh universal legislation of this kind, the most thoroughgoing specimens being a Spanish edict of 1623 and one of Louis XIV. in 1666, which not only granted exemption from taxation, but positive subsidies in cash, as an inducement to early marriages. Those were the golden days of McKinleyism, which our degenerate age can never hope to equal. While there is good reason, on general grounds, to doubt the efficacy of legislation in modifying aggregate human conduct permanently and on a large scale, there are special physiological reasons operating in the case in hand which are likely to make all such interference particularly futile. Some nations seem to be naturally and organically more prolific than others. Frenchmen who are dismayed at the superior fecundity of the Germans may derive some comfort from the reflection that, 1,100 years ago, the author of the Lombard History said that Germania had better be called "Germinania." A diminished birth-rate is sometimes the cause and sometimes the effect of a high degree of national well-being. In his recent Utopian romance of 'Freiland,' Theodore Hertzka remarks that well-fed animals are as a rule not prolific; that, as regards the human race, the poor have more children than the rich; that even the ancient Romans had observed this fact, as witness the etymology of the word "proletarian"; that in Europe, Russia, economically considered, the poorest country, has the highest birth-rate, while France, which has the lowest, is the country in which for a century there has been the most equal division of wealth. The greater birth-rate of England he attributes to the unequal distribution of its wealth. Of similar import is a still more recent outgiving of Paul Leroy-Beaulieu, to the effect that the birth-rate is declining all over the world, and most so where democracy is on the increase and the individual has emancipated himself from the old beliefs and ideas, and has become imbued with the equality of conditions—that is to say, has come to regard the acquirement of wealth and distinction as the principal object of life.

If thirty-nine millions of Frenchmen can manage to lead a comfortable and equable existence, why should it worry them that Germany has fifty-two millions? If emigration offers any indication of welfare, the French are far better off than the Germans, for while a million and a quarter have left Germany during the past ten years, less than a hundred thousand have gone out of France. Heine's saying that when a German is oppressed beyond endurance by his Government he emigrates, while a Frenchman in a like case makes the Government emigrate, is perhaps no longer applicable, the conditions having changed somewhat in the last seventy-five years. In view of the present prevalence of Socialistic cant and of the remarkable recrudescence of paternal theories of government, it may seem old-fashioned to say so, but we are very much of the opinion that the most likely way for any nation to be happy is for all the individuals in it to be happy; and that the most likely way for an individual to be happy is to have his own way in life, as far as is compatible with the right of every other man to have his way. This rule is as applicable to the matter of marrying and raising children as to any other concern of life, and every ordinarily intelligent man will be better able to judge of what it behooves him to do in that regard than any college professor or member of a legislature or newspaper editor can do for him. Neither need any citizen feel bound to postpone his own present happiness to any consideration of what may become of his country a hundred or two hundred years hence. He can neither foresee nor avert the future; and if he could, it would be futile to do so. As long as a nation is fit to exist it will continue to exist; if it is not fit, the sooner it makes room for one that is, the better. If the French or any other people are doomed to extinction, it must be for deep-seated organic reasons, which no legislation or rhetoric can reach.

AMERICAN ORIENTAL SOCIETY.

BOSTON, May 16, 1891.

THE American Oriental Society held its spring meeting in Boston and Cambridge during the past two days. This is the last of the half-yearly meetings which have been held since the year 1848, the Society having decided to hold one meeting a year of longer duration during the Easter week. The General Court of Massachusetts has just passed a bill authorizing the Society "to hold its meetings in any State or Territory of the United States and in the District of Columbia; provided, however, that the said Society shall meet within this Commonwealth at least once in three years." The Society is thus enabled to accommodate itself to the rapid growth of the study of Oriental languages in all our great universities, and to meet in rotation at the different centres of Oriental learning. It was also resolved to abolish the classical section of the Society, the American Philological Association doing all the work in this line of research.

The following officers were elected for the ensuing year: President, Rev. Dr. William Hayes Ward of the *Independent;* Vice-Presidents, President Daniel C. Gilman of Johns Hopkins University, Prof. J. Henry Thayer of Harvard University, Prof. Isaac H. Hall, Metropolitan Museum of Art; Recording Secretary, Prof. David G. Lyon, Harvard University; Corresponding Secretary, Prof. Charles R. Lanman, Harvard University; Directors, Prof. Paul Haupt, Johns Hopkins University; Prof. R. J. H. Gottheil, Columbia College; Prof. M. Bloomfield, Johns Hopkins University; Prof. John Phelps Taylor, Andover Theological Seminary; Prof. Edward W. Hopkins, Bryn Mawr College; Prof. A. L. Frothingham, Princeton College; and Mr. Talcott Williams of the Philadelphia *Press*.

Prof. David G. Lyon, the Curator, escorted the members through the new Semitic Museum of Harvard University, which has lately been established through the generosity of Mr. Jacob H. Schiff of New York. The Museum consists chiefly of casts of the principal Assyrian and Babylonian monuments in the British Museum and the Louvre. There are, however, quite a number of originals—Babylonian contract tablets and seals, Arabic, Hebrew, and Syriac manuscripts, and some Arabic coins. The announcement was made, through Provost Pepper, that the important collection of Babylonian and Assyrian antiquities in the museum of the University of Pennsylvania would be open for the use of scholars from July 1, 1891.

Nearly forty papers were presented, and it was very gratifying to note that a number of them came from the younger members of the Society, as it evidences the growing interest shown in these lines of study. Six papers were presented by men from the graduate department of Yale University, four of them being students of Dr. Robert F. Harper. Mr. Lester Bradner (Yale) discussed the "Order of the Sentence in the Assyrian Historical Inscriptions," Mr. Carl J. Elofson (Yale) "The Position of the Adjective in Assyrian," and Mr. Charles F. Kent "Annection in Assyrian." Mr. James H. Breasted (Yale), in a paper on the "Order of Words in the Hebrew Portions

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of Daniel," showed by the decay of syntax the probable late date of the Book of Daniel. By the comparison of the syntax in this book with that in three others, he arranges their position in time as follows: Ezekiel, Malachi, Ecclesiastes, and Daniel—a conclusion which is verified by other considerations. Prof. Nestle of Tübingen sent a note on verse 31 of Psalm 68. Dr. Robert F. Harper (Yale) discussed "Some Syntactical Points in the Esar-haddon Inscriptions," and Prof. William R. Harper (Yale), "Some of the Imperfects in the Deutero-Isaiah." Mr. George N. Newman (Yale), in a paper on "Contraction in Arabic," laid down the rule that "all change occasioned by the presence of weak letters is brought about directly by the vowels; and the nature of the resulting change is subject directly to the nature of the vowels present."

Mr. James R. Jewett (Brown) presented a collection of "Arabic Proverbs and Proverbial Phrases," collected, translated, and annotated. Mr. George A. Reissner (Harvard), in a paper entitled "Comparison of Assyrian, Hebrew, and Phœnician Proper Names," showed how the same general forms are found in the proper names of these languages, and upon what general principles these names are built up. Prof.-elect George A. Barton (Bryn Mawr) discussed Esar-haddon's account of the restoration of Ishtar's Temple at Erech. President Charles W. Benton presented the Arabic text and translation of the preface of the 'Book of the Meeting of the Two Seas,' by Nasif el Yaziji.

Prof. Isaac H. Hall (Metropolitan Museum) gave a "Tentative Bibliography of the Syriac Publications in the Neighborhood of Oroomiah." Prof. Hall also presented photographs of a bronze statuette recently acquired by the Metropolitan Museum of Art. It was found at Pietralgina, in Benevento, Italy. It represents Hercules after a Greco-Phœnician concept. He is in the attitude of attack, and has on the lion's skin and carries the bow. It has been proved to be not five years away from the year 330 B. C. by means of coins belonging to the Phœnician dynasty of Citium, and by Phœnician inscriptions in the Metropolitan and British Museums. Prof. R. J. H. Gottheil (Columbia) read a paper on "An Unknown Syriac Grammarian," and a note on the Alhambra vase in the possession of Mr. Charles A. Dana, which turns out to have been made within the last twenty-five years and not to be a product of remote antiquity.

Dr. Herbert C. Tolman (Yale) discussed the "Syntax of the Old Persian Inscriptions"; Prof. A. V. W. Jackson (Columbia) spoke on the native place of Zoroaster. His origin is disputed, one tradition placing it in Media, the other in Bactria. The 'Bundahish' says that on the river Darya was the home of Zaradusht. Two passages in the 'Avesta' embody the same tradition. We have, probably, to think of the river Darya in Atropatene. He was probably cast out of his own country, so that his activity was in the East; hence the double tradition. Prof. W. D. Whitney sent a paper "On the Perfect and Imperfect in the Brahmanas." The two tenses seem to be mainly equivalent in signification. They are freely mingled, though the general preference for the imperfect is greatly marked. The increased use of the perfect is, at times, a sign of a later date. Prof. Edward W. Hopkins (Bryn Mawr) spoke of the "Development of the Vedic Yama from an Earthly King of the Blessed to a Lord of Hell." This process was the result of the Indra cult. Indra became the chief god, and Yama was put down; then, all that was left for him was to be lord over the bad.

Mr. Lysander Dickerman spoke of the tablet discovered by Mr. Wilbur near Phylæ which alludes to the seven years of famine in Egypt. It seems to belong to the Ptolemaic era, and the material to be taken from the Septuagint. Dr. Samuel A. Binion described the Abbott collection of Egyptian antiquities now in the New York Historical Society's rooms, and Dr. F. Wendel the Egyptian antiquities in the Peabody Museum at Cambridge. Professor Charles R. Lanman (Harvard) called attention to "Jars with Distinctive Marks of Sex." Such jars are mentioned in the Hindu burial service. Schliemann has found them during his excavations, and they have turned up in China, Japan, and Ecuador. Some of the South American specimens were shown and explained by Professor Putnam, the Curator of the Peabody Museum.

The Society adjourned to meet at Easter, 1892. R. J. H. G.

TABLE-MOUNTAIN ARCHÆOLOGY.

OBERLIN, May 9, 1891.

BY an interesting coincidence, at the meeting of the Geological Society of America, at Washington, last winter, Mr. George F. Becker, the United States Geologist in charge of the survey of the gold-bearing gravels of the Pacific Coast, and myself were both prepared to present new and most important evidence sustaining the conclusions of Prof. J. D. Whitney concerning the genuineness of the reported relics of man from under the lava of Table Mountain, near Sonora, California. The report of Mr. Becker, in a bulletin of the Geological Society, has recently been published accompanied with photogravures of the objects to which it relates. And, as I write, there has just been placed on the table before me the stone mortar itself to which my report related, but which I had not seen until its arrival today from California. The efforts to throw doubt upon Prof. Whitney's reported discoveries have been so persistent and widespread that it is important to get the additional evidence before the world as clearly and promptly as possible. To do this effectually it will be necessary to go into some minor details respecting it.

The Calaveras skull was found under the lava of a spur of Table Mountain, near Angel's, in Calaveras County, California, some ten or twelve miles from Sonora, in Tuolomne County. But, in the vicinity of Sonora, Whitney reported the discovery, under the same lava deposit, of the fragment of another skull and some stone mortars such as had been used by man for grinding coarse food. The best authenticated of these have since been destroyed by fire. The objections urged against the genuineness of these relics were based largely upon *a-priori* considerations. First, it was said that both the skull and the utensils indicated a more advanced stage of progress than the race could have attained at that remote period. The skull was by no means indicative of a near approach to the supposed apelike condition of early man. The mortars were all smooth, and so had a superficial resemblance to the neolithic implements described by European archæologists, and by them assigned to a much more recent age than is accorded to the remains of man that are found in the ancient river drift of the glacial period. Secondly, as Prof. Whitney did not make any of these discoveries in person, it was alleged that the evidence was insufficient, and much was said and is still said concerning the tendency of miners to play practical jokes upon scientific men by palming off upon them relics that are not genuine.

The evidence which came before Mr. Becker and myself last summer is of special cumulative weight in sustaining Professor Whitney's conclusions, and in disproving these sweeping statements respecting the mendacity of the miners. The principal object which Mr. Becker presented to the Geological Society consisted of a mortar, about ten inches in diameter, composed of andesite, a species of eruptive rock abundant in the region. The mortar in my possession is six inches and a half in diameter, with a bowl of about half of that width and depth. This also is composed of a fine-grained eruptive rock, but its exact character I have not yet determined. The most significant thing about it, however, is that its smooth outside surface was probably produced by natural and not by artificial means. In short, it is a pebble from the ancient stream worn into an irregular spheroid shape by a natural process. Evidently the maker found it in its present shape, with the exception of the hollow of the bowl. That he has produced, and of course it is smooth. We question very much, therefore, whether any argument can be derived from these mortars concerning the stage of advancement of the people using them. There is no basis for calling them "neolithic."

But whatever inferences may finally be drawn from the character of these utensils, their very existence under Table Mountain is a matter of the highest archæological interest, and with as little repetition of what has been given elsewhere as is possible, we will state the additional evidence confirming their genuineness. It is not necessary to go over again the evidence presented so fully by Prof. Whitney in his 'Auriferous Gravels.' It is sufficient to say concerning this that it is so circumstantial and direct that, if false, it is explainable only on the theory of wholesale and gratuitous mendacity where no object, not even notoriety, was expected to be gained. The same can be said with special emphasis of the new evidence. Mr. Neale, the mining engineer who last August took his affidavit as to the mortar and other utensils now in the hands of Mr. Becker, made the discoveries in 1877; but, as they were not objects of special interest to him, he gave them to Dr. Bromley, a physician of extensive practice in Sonora, and it was from the latter that Mr. Becker received his first information concerning their existence and history. Mr. Neale is still a resident of Sonora, and is a man of property and high reputation. His affidavit, made at the request of Mr. Becker, is that the mortar in question was found by him in person where there was not the slightest trace of any disturbance of the gravel, or of any natural fissure in it by which access could have been obtained, and that it was between two and three hundred feet beyond the perpendicular edge of the lava cap.

Mr. Becker well remarks that while it would have been more satisfactory to himself individually if he had dug these objects out with his own hands, he cannot discover any reason why Mr. Neale's statement is not exactly as good evidence to the rest of the world as his own would have been.

"He was as competent as I," says Mr. Becker, "to detect any fissure from the surface or any ancient workings, which the miner recognizes instantly and dreads profoundly. . . . So far as the detection of a fraud is concerned, a good miner regularly employed in superintending the workings would be much more competent than the average geological visitor. The superintendent sees day by day every foot of ground exposed, and it is his

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business to become thoroughly acquainted with its character, while he is familiar with every device for 'salting' a claim. The geological visitor finds a mine timbered and smoked. He cannot fully acquaint himself with the ground, and he is usually unfamiliar with tricks. It is therefore an argument in favor of the authenticity of implements that they have been found by miners."

The evidence in the case of the mortar which has just come into my own possession is equally direct, and even more circumstantial, especially in its bearing upon the absence of any motive to deceive. Mr. C. McTarnahan made the discovery in the Empire Tunnel, owned in part by his father, which penetrated the gravel under Table Mountain 200 feet in from its west side, about a mile and a half from Sonora, and three or four miles from the locality of Mr. Neale's discovery. Mr. McTarnahan is the assistant surveyor for Tuolumne County, and so is familiar with all the shafts and tunnels under the mountain, and is able to locate exactly the position in which this mortar was found. It was found by him in person and taken out with his own hands. As he was not in search of relics, but of gold, he paid little attention to it further than to bring it to the mouth of the tunnel and lay it aside in a place of safety. Here it remained for two years, until Mrs. M. J. Darwin of Santa Rosa, the lady who has now so generously placed it in my possession, chanced to spend a few days in the family of Mr. McTarnahan's father, when it was given to her by a member of the family without any account of its remarkable history. It is doubtful if its history ever would have been known except by some such chance interview with the discoverer of it as mine was last autumn.

The disposition made of these utensils by the mining engineers discovering them shows how unconscious the miners generally are of the significance of such objects, and effectually rules out the theory of fraud. Some additional circumstances related to me by Mr. Scribner, one of the principal witnesses respecting the Calaveras skull, also bear with equal weight against the theory that there was in that case a "put-up job" either upon Prof. Whitney or upon any one associated with him. In relating the story to me Mr. Scribner, who is still a prominent business man at Angel's, gave some additional facts, whose bearing will be readily seen. As stated by Prof. Whitney, Mr. Mattison, the discoverer of the Calaveras skull, gave it to Mr. Scribner, who was then the express agent of the place, and Mr. Scribner gave it to Dr. Jones, an intimate friend practising medicine at Murphy's, a few miles away. The new point of evidence is that, as Mr. Scribner did not give a detailed account of the discovery to Dr. Jones, the latter laid the skull aside, and gave little further thought to the subject until several months afterwards, when Mr. Mattison came to him for professional services, and it was then from Mr. Mattison, and not from Mr. Scribner, that he obtained the facts which have made the discovery so important in the eyes of the world.

It would of course be unfair to ascribe greater importance to this more recent evidence than is to be granted to the earlier evidence presented by Prof. Whitney. But where, as in cases of this sort, evidence is cumulative, the later additions, though in themselves less important, may have the greatest convincing power. A leading objection to accepting Whitney's conclusions has been that similar discoveries had not been made in later years, but this can no longer be said. When we consider the extent to which mining operations under Table Mountain have ceased, the discoveries since 1870 have been all that could be expected, and the present indications are that Prof. Whitney's statement of facts will hereafter be accepted without question, and that the Calaveras skull will no longer suffer neglect from archæologists on account either of theological prejudice or of the gibes of the humorous poet of the Sierra.

G. Frederick Wright.

THE ROYAL ACADEMY.

London, May 1, 1891.

The most notable change in the London art world this year is the closing of the Grosvenor Gallery. A couple of years ago this would have been an event of small importance. The work which had given character to its shows in early days, already had been carried off by Messrs. Hallé and Carr to their New Gallery in Regent Street, and nothing strikingly good or eccentric had been found to take its place. But last year, by throwing the doors of the Grosvenor open to the younger cleverer artists, especially those of Glasgow, Sir Coutts Lindsay succeeded in holding the most interesting and promising exhibition of the season. It seemed as if, at last, the men who break away from academical traditions and see and say things for themselves, were to have a fair chance to appeal to the public. But Sir Coutts apparently thought his Club more profitable than his Gallery, and the painters who had found a temporary refuge in the latter are again at large. Neither the New Gallery, faithful to the primitive Neo-Gothic school, nor the Royal Academy, true to its conventional standard, has shown the least inclination to encourage them or hang their pictures. The result is that this year there is but little relief to the mediocrity and affectation which prevail in the large London galleries.

The Royal Academy is neither better nor worse than usual. Its most deplorable feature is really the utter commonplaceness of its work, both good and bad. From the dull incompetencies of such Academicians as Faed and Sant, Hodgson and Horsley, who of course are on the line, one would turn with pleasure to still more glaring failures if only in them there was the faintest suggestion of individuality. The excellence of men who have learned their trade but do not know what to do with their knowledge is scarcely less depressing. One wanders from gallery to gallery without coming to anything which attracts the eye or holds the attention. Among two thousand exhibits there are necessarily many fairly good things, but their merits, except in a few cases, do not assert themselves. The curious lack of vitality and distinction in modern English art, as exemplified in the Royal Academy, is its most discouraging characteristic. It is no exaggeration to say that the one picture which stands out from the rest, startling in its vigor and animation and cleverness, is Mr. Sargent's "La Carmencita." To turn to it from the lifeless canvases which surround it, is like reading a song by Swinburne after a course of average magazine verse, a page by Pater after columns of *New Journalese*. The portrait overflows with actuality. Even those who may not like it must admit that the brilliant yellow satin gown holds inside it a living human body, and is not a mere stuffed bag like the suit of clothes Prof. Herkomer calls Sir Sydney Waterlow immediately opposite. The work has its faults. The arms are somewhat wooden; that Mr. Sargent can paint much better hands he proves in a delightful portrait of a lady in a red-shot silk dress, hanging in one of the near rooms. But its faults might be still greater, and it would yet hold its own, not only in the Royal Academy, but in any gallery of the world, as the painting of an artist of style and distinction.

The Academicians can hardly be said to have distinguished themselves this year. One knows well enough beforehand exactly what to expect from each of the small minority whose names have been heard of outside Burlington House—large classical subjects from the President, marbles and draperies from Mr. Alma-Tadema, golden-lined drawing-rooms from Mr. Orchardson, Christmas-Annual supplements from Sir John Millais; and so one might go on through the short list. Nor is there any reason why each painter should not have his own little game to play, his own special field to work. Who objects because Titian never tired of filling his canvas with lovely color, because Velasquez repeated again and again his portrait of Philip, because Corot always saw the same beautiful tree in nature? But too often the game of the Academician seems to have been long since played out and to have degenerated into a mere mechanical trick. He seems to be true to certain accepted conventions simply because time has shown him that they go down with the public and sell. The inevitable ballet-girl of Degas may never lose her vitality, but the Greek and Roman ladies of Sir Frederick Leighton and Mr. Alma-Tadema are at times nothing more than academical pot-boilers.

It is the last, however, who makes the best showing in the present exhibition. He has not, during the last few years, exhibited a stronger, sounder piece of painting than his "Earthly Paradise: 'All the heaven of heavens in one little child'"—the picture of a Roman mother leaning over her baby who lies, naked and kicking, on a couch in a Roman interior. The light is more subdued than is usual with Mr. Tadema, and the marbles much less aggressive; they belong naturally to the composition, and are not introduced on purpose to show the cleverness of the painter's technique. The color is rich, the woman wearing draperies of deep violet-blue, with which the cushions on the couch and all the accessories harmonize. But the triumph of the picture is the painting of the child; the rendering of the delicate pink and white flesh tints is delicious, and the modelling firm and refined. It is a pity Mr. Tadema was not content with this one contribution, for contrasting most unfavorably with it is his portrait of Mr. Balfour, as hard as cast iron and about as interesting. Already I have heard it suggested that if its reproduction in black and white, entitled "The Conqueror of Ireland," could be distributed among the Tories, the cause of Home Rule would be gained. Indeed, all that can be said for it is that it may be a trifle better than a portrait of Mr. Freeman-Mitford by the President.

Sir Frederick Leighton, not only in this, but in his two other examples, is far from being at his best. A sense of humor would have kept him from painting his Andromeda with a huge tin dragon sitting on her shoulders as if to shield her from the arrows of Perseus. There may have been a difficult problem to work out in the foreshortening of the figure, but the result is hardly satisfactory, while the composition as a whole has none of the beauty of color or the dignity of treatment which alone can give interest to the modern versions of classical mythology. His "Return of Persephone" is somewhat happier in conception and execution, but it is rather too scattered

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in composition and wanting in interest. Mr. Waterhouse is another Academician who turns to Lempriere for subjects which he usually treats with a certain amount of skill and dexterity. This year his choice has fallen upon Ulysses bound to the mast passing through Sicilian waters, while the Sirens, with the bodies of birds and the faces of women, hover about his vessel. It is solidly painted, and the color is good, but as a whole it is sadly unconvincing; one feels that the hospitals and dissecting-rooms of the Salon, brutal as they may be, are far better themes for the painter of to-day.

Good work can always be looked for from Mr. Henry Moore, and his wide stretch of sea, golden in the light of sunset, under a wonderfully luminous sky, must be counted among the few distinguished contributions to the show. It is a pleasure to find that the new Associate, Mr. David Murray, has not followed the example of too many of his predecessors, and made academical honors an excuse for bad work. He is represented, on this his first official appearance, by two excellent landscapes, full of atmosphere and with a fine large feeling of distance. Mr. Orchardson's drawing-room is now called "An Enigma," and, charming and decorative as it is, there is really nothing to be said about it that has not been said many times before; it is but a slight variation of his usual color scheme and the story it is supposed to tell. The same is true of his portraits; there are three at the Academy, and they are not without character, but it is impossible to believe that all his sitters live habitually in the same yellow light and wear the same golden-hued garments.

The other Academicians hardly call for comment. Sir John Millais, except in his landscape work, it is kinder to pass by, as posterity will, in silence. Mr. Herkomer, Mr. Luke Fildes, and Mr. Dicksee have plunged deep into sentiment, but with indifferent artistic success, though their pictures will probably be the most talked about of the season. Even when people are "On Strike," Mr. Herkomer should remember that they still call for at least some little drawing and modelling; Mr. Fildes, rather late in the day, tries and fails to show his "Doctor" in a room illumined by lamp and daylight; while Mr. Dicksee, in his "Crisis," is left far behind in the artistic race by the realistic painters of death-bed scenes that hang annually in the Salon.

It is an outsider who has contributed the only academical picture of note. Mr. Solomon J. Solomon is one of the very few Englishmen who year after year send the large compositions and studies of the nude that are so rare in Burlington House, so common in the Palais de l'Industrie. This time the "Judgment of Paris" has given him his theme, and a very charming result he has obtained. He has placed his three goddesses in a flower-strewn meadow, under the branches of a blossoming apple-tree, on a bright sunny spring day. Juno and Minerva, in soft clinging draperies, sit on either side; Venus stands in the middle, one hand still holding an end of the green robes which have just fallen to her feet. Never has Mr. Solomon shown himself at once so strong and so refined in his treatment of the nude. The drawing in his Venus is scholarly, her pose graceful, and her relations to her surroundings well suggested; she is really in the open air, and not simply a model posing in the studio. The color, too, has great charm; and the sunlight, the masses of pale pink blossoms, the flowers in the fresh turf, are all in accord with the subject of the picture. After Mr. Sargent, Mr. Solomon towers head and shoulders above the other exhibitors.

One of the chief disappointments of the Academy is the failure of the Newlyn School to fulfil the promise given by their early work. The men and women of this school, while they always retained enough of the British love of telling a story in paint to secure the approval of the Hanging Committee, usually told it with a technical excellence that insured the interest and respect of artists. But of late they have taken to producing nothing more nor less than painted photographs, and to using a palette on which black is the one predominating color. This year one is too painfully conscious of the camera in Mr. Stanhope Forbes's "Salvation Army," Mr. Bramley's "For of Such is the Kingdom of Heaven," Mr. Bourdillon's "From the Spanish Main," Mr. Chevallier Taylor's "Departure of the Fishing Boats," to mention a few of the most conspicuous examples. Careful and honest as the work is, it is singularly wanting in life and animation and those very qualities for which photography has made us turn more than ever to art. Mr. Edward Simmons, a young American who lives in Cornwall, and Mrs. Forbes, have not as yet fallen wholly into the photographic trap, while Mr. Adrian Stokes gives us Nature herself in his "Through Morning Mist," though, it is to be regretted, it is Nature in one of her least interesting moods.

No foreigners of note, except Americans, are represented. Israels did send a picture, but a hole was punched through it—no one seems to know how—before press day, and it was removed. A little portrait by Jan Van Beers is clever but not important. Among the Americans, Mr. Frank D. Millet is to the fore with "The Widow," another of his eighteenth-century interiors, full of delightfully rendered detail, treated with his usual refinement; but is there not a danger that in the end everything will be sacrificed by Mr. Millet to this detail? We have seen the same table, the same silver and glass again and again; they are always pleasant to look at, but they seem gradually to be absorbing all other interests in his canvases. Fortunately, Mr. George Hitchcock's "Maternité" already has been exhibited in London in the Goupil Gallery; it has been shamefully skied by the Hanging Committee—a piece of injustice that is all the more unpardonable when one sees below it on the line a comparatively commonplace landscape by Sir John Millais. Mr. Walter Shirlaw and Mr. Walter Gay both have contributed canvases—the latter an interior, the former two landscapes—which, though small in size, rank among the most striking examples of technical merit. And Mr. McLure Hamilton has a clever portrait of Mr. Gladstone, painted evidently from one of the pastel studies he showed in last year's Grosvenor Gallery. To refer to Mr. Stott's "Bathing-Place," first seen in Paris, if I am not mistaken; a Moorish court by Mr. Arthur Melville, a Glasgow man; an Annunciation by Mrs. Marianne Stokes, is to complete the list of paintings that call for even a passing notice here.

The water-color room is sadly dreary; there is not a clever or striking drawing to relieve its dead level of commonplaceness. Nor are matters much better in the architectural room; the architectural draughtsman in England evidently thinks that the more uninteresting his work is to the public, the greater must be its excellence. There is one exception, Mr. Charles E. Mallows, who has modelled his style on that of the better-known American illustrators, and made his drawings not only of more interest to the layman, but of more value to the architect. In the black-and-white collection there are a few good etchings by Mr. Charles J. Watson, who has never produced a more delightful plate than his "St. Jacques Lisieux," with its delicate drawing of architecture and fine feeling for line, Mr. Frank Short, and Mr. William Hole. The latter, however, might be better represented than by his plate after Constable's "Jumping Horse," a painting not in the least adapted to reproduction by etching. Fine, too, is the monotype of a Shepherd by Prof. Herkomer, vigorous in drawing, except in the hands, and with wonderful quality and richness in the blacks. It is worth far more artistically than all his large pictures put together.

The general average of the sculpture always seems higher than that of the painting. It is a branch of art with but small attraction for the amateur or the mere dabbler; it presents too many difficulties to be adopted as a pastime. The consequence is that the work contributed by sculptors always has a greater air of sincerity and genuineness. In many of the small busts and statuettes there is an effort to suggest character which one welcomes, though it may not be strikingly successful. The works of decided importance, however, are few in number. Mr. Alfred Gilbert's chief contribution is a graceful little winged Victory in silver, standing on tiptoe, the palm in one hand, the trumpet in the other, refined in modelling, vigorous in expression. He has also a marble bust of a young girl, very simple in treatment, but full of character in the strongly marked features. A decorative panel in high relief, by Mr. Hamo Thornycroft, may look well as the frieze for the exterior of the Institute of Chartered Accountants in the city of London, but, on the wall where it now hangs, the figures of the four women representing Science seem coarse and heavy. More pleasing is a charming little silvered bust of a child by Mr. Onslow Ford, very Donatello-like in feeling; and far more graceful is "Caprice," probably the most refined study of the nude in the gallery, by Mr. George Frampton, a young sculptor of no little promise. But it would be tedious here to give a catalogue of names and statues. I must, however, at least mention Mr. Harry Bates's bronze group of "Hounds in Leash," admirable in its expression of action and movement, and Mr. Henry A. Pegram's "Sibylla Fatidica," which is not without dramatic power.

The Royal Academy, year by year, shows more and more strongly the folly and absurdity of forty men monopolizing for all their lives what is known as art in England. Of the forty the names of less than a dozen have ever been heard by Americans, while probably not more than twenty are known even to their fellow-artists. How they got into the Academy, and what they do there, must always remain a mystery.

N. N.

Correspondence.

CHOICE OF PRESIDENTIAL ELECTORS BY DISTRICT.

To the Editor of The Nation:

Sir: As there has been some discussion in regard to the district system since the Legislature of Michigan passed the bill providing for such a system in the choice of Presidential electors, it may be of interest to review the history of the choosing of electors.

It is true that the general-ticket system has been used in all the States, with but three exceptions, since 1832. South Carolina chose her

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electors by Legislature down to 1868, when she adopted the general ticket; in Florida, 1868, and in Colorado, 1876, the electors were chosen by their Legislatures. At the first Presidential election, 1788, Massachusetts and Virginia chose electors by district, Pennsylvania, Maryland, and New Hampshire on a general ticket, Delaware, New Jersey, Georgia, Connecticut, and South Carolina by the Legislature. New York failed to choose electors, and North Carolina and Rhode Island had not yet ratified the Constitution. Following is a summary of the manner of choosing Presidential electors. It is compiled from *Niles' Register*, Stanwood on 'Presidential Elections,' O'Neil on 'The American Electoral System,' and from various contemporaneous papers. The order of the States is in accordance with their admission into the Union:

	Legislature.	District.	Gen'l ticket.
Delaware	1788–1828	....	1832–1888
Pennsylv'a.	1800	1816	1788–1796 1804–1812 1824–1888
N. Jersey	1788–1804 1812	....	1808 1816–1888
Georgia	1788–1800 1816–1824	....	1804 1828–1888
Connecticut	1788–1820	....	1824–1888
Massachu'ts	1800, 1808 1816	1788–1796 1812, '20-24	1804 1828–1888
Maryland	....	1796–1832	1788–1792 1836–1888
S. Carolina.	1788–1864	....	1868–1888
N. Hamp.	1800	....	1788–1796 1804–1888
Virginia	....	1788–1796 1812–1816	1800–1804 1824–1888
New York	1792–1824	1828	1832–1888
N. Carolina.	1812	1792–1808	1816–1888
Rhode Isl'd.	1792–1796	....	1800–1888
Vermont	1792–1800 1816	1804	1824–1888
Kentucky	1792–1796	1804–1824	1828–1888
Tennessee	1796–1804	1824–1828	1832–1888
Ohio	....	....	1804–1888
Louisiana	1824	....	1828–1888
Indiana	....	....	1824–1888
Mississippi	....	....	1824–1888
Illinois	....	1824	1828–1888
Alabama	....	....	1824–1888
Maine	....	1824–1828	1832–1888
Missouri	....	....	1824–1888

All the remaining States have used the general-ticket system except in the two instances above mentioned, namely, Florida in 1868, and Colorado in 1876, when the Legislatures of these two States made the appointments. No votes were cast in 1864 in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, and in 1868 in Mississippi, Texas, and Virginia.

Owing to the difficulty of finding information which is not conflicting, this list is not complete, but it shows very clearly that the district system is no novelty.

Yours respectfully,

JOHN DICKERMAN.

ADELBERT COLLEGE, May 13, 1891.

TO THE EDITOR OF THE NATION:

SIR: The recent act of the Michigan Legislature in changing the method of choosing Presidential electors deserves to attract even more attention than it has. My vision may be made more keen by the fact that I belong to the party whose ox is gored by the legislation in question; but, after making all due allowance on this score, it still seems to me that the course of the Democratic majority in the Michigan Legislature is likely to have far-reaching consequences adverse to the cause of good government and honest politics.

Much may be said on both sides as to whether or not, as a general rule, it would be better to select all the electors by districts rather than by general ticket. Until some more effectual way of restraining gerrymandering can be discovered, I think the general ticket will in practice prove the fairer method. A plurality of 1,100 gave New York's thirty-six votes to Mr. Cleveland in 1884, and a plurality of 2,500 carried Indiana for Gen. Harrison in 1888. The practical result was, that these States were counted as if their people had been unanimous instead of being, as they were, divided with almost precise equality between the opposing candidates. Yet, unjust as this seems, it was not as bad as it would have been had the minority in Indiana elected eleven of the fifteen electors, as, under the Michigan plan, they would have done.

Moreover, there is no limitation on the gerrymandering. The Legislature of a State may provide, as the Legislature of Maryland once did, that some districts shall elect only one elector, and others two, three, or four or even more. A Republican Legislature of New York might form one district out of the seven or eight strongest Democratic Assembly districts of New York city, and provide that it should elect two or three electors, and another district out of the rest of the State and empower it to choose the remaining thirty-three or thirty-four. Such a step is not likely to be taken now, but a few years ago such a proceeding as that of the Michigan Legislature would not have seemed probable. When the practice of attempting to get ahead of the other party by so legislating as to secure an advantage in the choice of Presidential electors once gets started, there is no telling how it will end.

But all discussion as to whether the district or the general ticket is the best is idle if it does not take into consideration the certain fact, that nothing short of an amendment to the Federal Constitution can secure the general adoption of the district system. A State Legislature which knows that its party will in all probability have a plurality in the State at the next Presidential election, or which knows that it must have all the electoral votes of the State to give it a chance to win, will always insist on the general-ticket system. The other plan will only be enacted when, as was the case in Michigan, a party which has not usually been in control of the State happens to get a majority in the Legislature. And just because, if the example of Michigan shall be followed by other legislatures in similar situations, it will become more than ever difficult to elect a legislature of different political faith from that of the locally controlling party, the effect of the Michigan legislation must be bad.

It is hard enough to get honest Republicans or honest Democrats to vote against their Quays and their Gormans. It will be still harder to get them to do so if they feel that they may thus be in 1894, for example, electing a legislature which will so change the method of choosing electors that in 1896 Republican Pennsylvania or Democratic Maryland, without any change in the sentiments of the people, may give a majority of the electoral votes to a candidate for whom only a minority of the people of the State will vote. No argument can be conceived more likely to make the reluctant voter follow the machine direction to vote the ticket straight.

Very respectfully, JOHN C. ROSE.

BALTIMORE, May 16, 1891.

STATE ISSUES IN WISCONSIN.

TO THE EDITOR OF THE NATION:

SIR: Frequent allusions in the *Nation* to political affairs in Wisconsin are greatly misleading as to the political situation in this State. In your issue of May 7, in commenting upon the political outlook in various States, and speaking of the late campaign in Wisconsin, you say: "The issue on which the contest turned in 1890 was a purely State one, arising out of a controversy over the teaching of English in the schools." I desire to present a brief historical summary in proof of the statement that there was absolutely no controversy over the teaching of English in the public schools.

Section 41 of the laws of 1854 provides that "in every district school there shall be taught, in the English language, orthography, reading, etc." In 1869 this law was amended by including additional branches, and providing as follows: "All instruction shall be in the English language except that the district board . . . may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour each day." In 1866 the Legislature, in prescribing the qualifications of teachers, provided that "no person shall receive any certificate who . . . does not write and speak the English language with facility and correctness." In 1879 the Legislature passed a compulsory-attendance law, which was made more stringent by subsequent amendments.

In 1889 Gov. Hoard, in his message to the Legislature, recommended that all private and parochial schools be put under the jurisdiction of the county and city superintendents. The Legislature, without formally repealing the law of 1879, passed what has come to be known as the Bennett Law, which practically placed these schools under the control of the local school boards. Sec. 2 of this law required all instruction, however given, to be done to the satisfaction of the local school officers. Sec. 5 of this law declares that "no school shall be regarded as a school under this act unless there shall be taught therein, as part of the elementary education of children, reading, writing, arithmetic, and United States history in the English language." The School Code was revised by the State Superintendent in the year 1890. In annotating this law, he comments upon these provisions as follows: "No school, public or private, and no instruction in the family, or by private tutors, should be recognized as sufficient which does not include instruction in these subjects in this form." It would be difficult to state in more explicit terms the right of the State to assume absolute control of private and parochial schools, or of instruction in the family, than is given in this legal interpretation by Republicans of their own legislation.

The Republican State Convention declared in its platform that "It recognizes as valuable auxiliaries in the work of popular education the private and parochial schools, supported without aid from public funds, and disclaims absolutely any purpose whatever to interfere with such schools, either as to their terms, government, or branches to be taught therein." How it could compel the teaching of four branches in the English language and not interfere with the branches to be taught, was not explained.

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In his speech at Milwaukee at the beginning of the campaign, Senator Spooner said: "That the Bennett Law is a perfect law I believe none of its friends insist; that it is not susceptible of constructions which, if enforced, would lead to harm and injustice, I do not find it necessary to-night to controvert, and I do not know that the friends, so called, of that law are disposed to controvert it."

At the opening of the late session of the Legislature, which had a Democratic majority in both branches, a bill was introduced for the unconditional repeal of the Bennett Law. Upon the passage of this bill, only 14 out of the 33 Republicans in the Assembly voted against it, one other being paired. Of the 14 Republicans in the Senate, 10 voted against it. In other words, the Bennett Law was repealed by a vote of 83 to 14 in the lower house, and of 20 to 10 in the upper house. A few days later, a new compulsory law was presented by the Democratic majority to take the place of all previous legislation upon this subject. The Republican members of the two houses held a joint caucus and voted unanimously to support the Democratic bill, although several of their number had already introduced compulsory-attendance bills.

In the conduct of the campaign the Democratic State Central Committee waged a vigorous warfare against the ultra-protectionism of the Republican party. They secured the help of Roger Q. Mills, Wm. MacAdoo, Wm. M. Springer, and John M. Black, and did their utmost to secure the services of Senator Carlisle, Frank Hurd, David A. Wells, and many other distinguished tariff-reform advocates. Reckless extravagance of the Republicans in State expenditures and the private appropriation of interest upon public funds by their State Treasurers also had great weight in determining the result. It is not denied that recent school legislation was an important factor, but the political revolution in Wisconsin was but little, if any, greater than in many other States. The assertion that the issue turned upon the question of teaching English in the schools seems, therefore, a gross misstatement of the facts. The only question affecting the schools was that of the right of the State to control instruction in private schools. I deem it but justice to your readers that this false impression should be corrected.

I enclose copies of the Bennett Law and the new compulsory law. O. E. Wells.

Madison, May 14, 1891.

THE ATTEMPT ON THE TZESAREVITCH.

To the Editor of The Nation:

Sir: The dailies of this date contain news of the attempt made near Kioto to assassinate the Tzesarevitch. The news is probably startling to the people of this country, but is not at all surprising to those cognizant of recent affairs in Japan. Ever since it was known that the Tzesarevitch contemplated visiting Japan, the matter has been a topic of discussion in the vernacular press. Most of the Japanese journals hailed the visit with delight, and were inclined to think that it would be productive of greater amity and closer relations between the two countries, and of much benefit to Japan in various ways. But in a few of the newspapers disreputable attempts were made to arouse ill-feeling and suspicion; in fact, it was actually charged that the Tzesarevitch was to visit Japan as a spy.

It must also be borne in mind that the Japanese have always been jealous, even afraid, of Russia. The latter, ever since her ships, about 100 years ago, began to encroach on the northern island, Yezo, of the Japanese Empire, has been an object of considerable suspicion. By dint of more or less finesse in negotiation, Russia obtained from Japan the island of Saghalien in exchange for the bleak Kurile Islands. This fear of Russian encroachments, by the way, has been one obstacle in the path of treaty revision. I was informed by a well-educated Japanese that one reason why Japan hesitated about giving foreigners the right to own property in the Empire, was because she feared that Russians would buy up the island of Yezo and large tracts in other portions of the land!

The Japanese have also looked with an eye of suspicion on the progress of the Greek Church in Japan. Inasmuch as that body is a state institution, controlled and patronized by the Russian Government, it has been considered a dangerous element in Japan. The magnificent Greek cathedral, towering on Suruga Dai above the city of Tokio, and thus higher even than the imperial palace, is an eye-sore to the Japanese. The deep and widespread influence of Bishop Nicolai and the Greek Church is dreaded as the source of a future political influence.

Whether these opinions are well founded or not, they have been used by demagogues and fanatics to stir up a feeling of distrust of Russia, and were employed recently to arouse suspicion concerning the object of the visit of the Tzesarevitch. These suspicions were not, of course, shared by the Japanese Government, or by intelligent citizens. When the writer left Japan, less than a month ago, elaborate preparations were then making to receive the Tzesarevitch with the respect due to him and the courtesy due from so polite a nation as Japan.

Although the despatches dub the assassin "a Buddhist fanatic, as seems most probable, or a Nihilist disguised as a Japanese," it is quite probable that he was a Shinto fanatic. Very likely he was one of the *Soshi*, a class of young ruffians who, conceited beyond their education, deem themselves called upon to avenge every "insult" to the dignity of the nation. They have a false idea of the *Yamatodamashii* (Japanese spirit) and of true patriotism, and are a disgrace to Japan. It was such an one who killed Viscount Mori for an alleged "insult" to the Shinto shrines of Ise. It was such an one who attempted, but unsuccessfully, to assassinate Count Okume for presuming to negotiate treaties beneath the "dignity" of the Japanese people. It is not surprising, then, that similar fanaticism attempted the life of the Tzesarevitch; but it is unfortunate that it still exists in so progressive a country as Japan. Ernest W. Clement.

May 13, 1891.

THE FRÉMONT LEGEND.

To the Editor of The Nation:

Sir: The recent discussions of the seizure of California in 1846, carried on in the *Century Magazine*, in the *Atlantic*, in the *Overland Monthly*, and elsewhere, would naturally seem to have exhausted the possible sources of information, or at all events the patience of the public; and I should not add another word to the lengthy controversy were it not that, quite unexpectedly, I have just found in a document, whose full text was never before in my hands, an additional piece of original evidence bearing upon the assertion made in the final statement of the late Gen. Frémont, as published in the *Century* for April, 1891. By the courtesy of the editor of the *Century*, who procured this document at Washington, I am enabled to use the same here, since he has made me a gift of it.

In the mentioned paper, entitled the "Conquest of California," Gen. Frémont, just before his death, put upon record his final version of the events of the "Bear Flag Affair." This version, as it stands, differs materially from earlier accounts given by Gen. Frémont, but such comparisons are beside the present purpose. Most noteworthy, however, in the paper of Gen. Frémont, as posthumously edited, is the addition of an expression of opinion, by the late Mr. George Bancroft, to the effect that the actions of Frémont in California, in the spring of 1846, were, although of course not precisely contemplated by the distant Cabinet at Washington, still authorized by the tenor of the famous instructions conveyed to the young engineer by Lieut. Gillespie when the two met at Klamath Lake, May 9, 1846. "If," says George Bancroft, in a letter to Frémont—"if I had been in your place, I should have considered myself bound to do what I saw I could to promote the purpose of the President." This purpose, as the secret agent of the Government, Lieut. Gillespie undoubtedly told Frémont, was "to obtain possession of California." Now such an expression of Bancroft's opinion as the foregoing is, carrying as it does both the great authority of his name as historian and the added weight of the fact that he was then the Secretary of the Navy, must seem, of course, to a reader who does not understand the facts of the case, highly conclusive in Gen. Frémont's favor. And therefore it is that my new document, with a few words of introduction, may still be serviceable to the cause of historic truth.

The historical facts, as I have several times before this had occasion to show, are that every agent of the United States who had anything to do with California received, in advance of the declaration of war against Mexico, orders to do everything to conciliate the Californians; that these orders were communicated to Frémont by Gillespie; that the United States Government, by the personal order of the President, was engaged in April and May, 1846, in an intrigue, carried on by Consul Larkin, with the Californians for a peaceful surrender of their territory in disregard of the central Mexican authority; that the orders of Bancroft to Commodore Sloat, in command of our squadron on the Pacific Coast, were in strict accord with this design, which Secretary Bancroft himself unquestionably shared and coöperated in; and that this design was thwarted by Frémont, who, after he had heard Gillespie's instructions, proceeded almost forthwith to arouse the American settlers in the Sacramento Valley by false reports of dangers from Californian hostility; thereupon attacked the Californians in an irregular warfare before knowing of the outbreak of hostilities in the East; wrought considerable mischief; and thenceforth laid claim to the glory of the "conquest of California." The Cabinet at home, Bancroft included, were, however, deceived by an artful tale, sent home in letters to Senator Benton by his son-in-law, and not rendered any more historical by the Senator in the retelling. All this is a matter of substantial proof. What the reader will, however, here desire to know is, how George Bancroft, forty years later, could still so misinterpret the facts as to express so cordial an approval of Frémont's actually disobedient and mischievous conduct as is contained in Bancroft's letters to the latter in 1886.

The answer, of course, is that Bancroft never

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had occasion to scrutinize as historian what occurred in distant California, and undoubtedly took his facts in large part from Gen. Frémont's own statement. How true this is, becomes evident at once when one considers two of the statements made by Bancroft in the private letters to Frémont which are quoted in the article referred to. One of these statements runs thus, speaking of what Gillespie communicated to Frémont at the meeting at Klamath Lake: "It was officially made known to you that your country was at war; and it was so made known expressly to guide your conduct." This statement cannot have been made by Bancroft after any careful review of the record, for it is one that a mere comparison of dates shows to be absurd. Gillespie received his instructions at the end of October, 1845, and left soon after for California. War broke out at about the very moment of his interview with Frémont at Klamath Lake, and this fact was unknown in California, even at Monterey, until the arrival there of Capt. Mervine, late in June, 1846, in the ship *Cyane*. North of San Francisco Bay the news of war came to hand much later. The despatches brought by Gillespie to Larkin and Sloat show that in the autumn of 1845 nobody at Washington knew or could know when the contemplated war with Mexico would break out. Fortune might have prevented it altogether, and both Commodore Sloat's and Consul Larkin's instructions were worded accordingly. It is, therefore, impossible that Bancroft can have used the words above quoted with any historical deliberation, or after any careful review of the past.

The other just-mentioned passage of Bancroft's private letter of approval, written to Frémont in 1886, runs: "The truth is, no officer of the Government had anything to do with California but the Secretary of the Navy so long as I was in the Cabinet." Alas, strange fate that should thus beset our greatest historian on one of the very few occasions when he ever wrote about his own public career! Nothing could better illustrate the danger of trusting to memory after many years. The same number of the *Century* that contains the article from which this passage is quoted, also contains the full text of the despatch from Secretary Buchanan to Consul Larkin which Gillespie brought, and which, speaking in the President's name, and with frequent mention of the President's express and official desires, embodies the actual plan of the Administration for the acquisition of California!

Two absolutely demonstrable errors in so short a space as that of the brief passages quoted from Bancroft's private letters to Frémont, show very clearly that the late historian was not speaking *ex cathedra* when he wrote these words of friendly approval. The well-known legend of the Frémont "conquest" he had heard; he certainly never had examined its sources. For the rest, all the other statements that he makes, in the same place, as to his own and the Cabinet's views in those days concerning California, the importance of getting it, the need of promptness and discretion, and the rest, are indeed, accurate enough. They have long been well-known matters. Properly understood, they form part of the case against Frémont.

This case then reduces itself to the following: Gillespie, as we now know, brought orders which he delivered to Sloat at Mazatlan. These orders related to the action of the Commodore to be taken in case he heard of the outbreak of war between the two countries. Gillespie also brought a despatch from Buchanan to Consul Larkin. This despatch is now printed in full in the *Century* for April. Gillespie brought no other official orders addressed to any one in California. He acquainted Frémont at Klamath Lake with the contents of these instructions, but brought no official order directed to Frémont personally. Frémont, who formerly denied to me absolutely that he was ever acquainted with Larkin's orders, and who insisted upon this denial in a statement deliberately made to me, as historical student, for publication in my own book on California history, has for the first time admitted, in his final paper in the *Century*, that he *did* know of the Larkin despatch, and received it from Gillespie. But he adds that this despatch "was in conflict with our own instructions," so that he and Gillespie, not being under Buchanan's official authority, "dropped this idea [*i. e.*, the plan of "conciliating the Californians"] from our minds," although, as the Larkin despatch itself shows, this "idea" was the President's own. Now these, "our own instructions," can only be the instructions of Secretary Bancroft, to whose official department Frémont himself belonged as little as he did to Buchanan's, but whose instructions to Sloat and Gillespie he shall have regarded as more warlike than were Buchanan's to Larkin.

Is this final version of the Frémont romance more authentic than any earlier version? Let the answer be the text of Bancroft's actual letter to Sloat, dated October 17, 1845, a letter never before printed. The date, as will be seen by comparison, is the same as that of Buchanan's despatch to Larkin. The plan embodied is also the same. The copy here given is officially certified as correct by the Department at Washington, and contains all of the despatch that relates to California—the omitted orders relating to matters connected with the exploration of the Columbia River, and to other matters wholly immaterial for the present inquiry. The original copy was sent, it will be seen, by Commodore Stockton, around the Horn. Gillespie, as secret agent, crossed Mexico with the despatches not written, but carried in his memory, so that they might be safe in case of his detention, and so that he might be able in case of successful passage through Mexico to get the official undertakings in California sooner under way:

U. S. NAVY DEPARTMENT,
WASHINGTON, Oct. 14, 1845.

Com. John D. Sloat, Comm'g U. S. Squadron Pacific:

COMMODORE: This communication will be delivered to you by Commodore Stockton, who takes the *Congress* to the Pacific to reinforce your squadron.

In the judgment of this Department it is expedient that, as soon as practicable after the receipt of it, you should transfer your broad pennant to the *Congress*. Commodore Stockton you will then transfer to the command of the *Savannah*, subject to your orders. You may retain Commander DuPont in duties appropriate to his rank on board the *Congress*, or you may confer the command of the *Congress* under you on Captain Mervine and transfer Commander DuPont to the *Cyane*.

In the event of actual hostilities between the Mexican Government and our own, you will so dispose of your whole force as to carry out most effectually the objects specified in the instructions forwarded to you from the Department in view of such a contingency. Should peace continue, you will still retain your squadron off the coast of Mexico and Oregon.

You will communicate frequently with our Consul at Monterey, and will ascertain as exactly as you can the nature of the designs of the English and French in that region, the temper of the inhabitants, their disposition towards the United States, and their relations towards the central governments of Mexico. You will do everything that is proper to conciliate towards our country the most friendly regard of the people of California.

The length of time requisite to transmit to you despatches from this Department renders it necessary that you should judge for yourself, on the best information that you can obtain, whether it will be safe to detach an exploring party from your squadron.

Should hostilities be not likely to occur, you will detach a part of your squadron to display the flag of the United States in the Columbia. To that end you may select a sloop and a smaller vessel if convenient, and attach to them, for the time being, such professors and other officers as will give the best results to the enterprise. You will, in your instructions to them, warn them of the dangers that attend the entrance to the Columbia River, that they may be on their guard against the swell of the ocean and the bar at the mouth of the harbor, and may run no risk with a vessel of the United States. When the ships are within the Columbia River, some of the officers should seize the occasion to visit the valley of the Wallamet. They should make particular inquiries as to the disposition of the people who reside in those regions, . . . the extent, character, and tendency of emigration from the United States and from other quarters, and generally they should collect such information as will acquaint the Department fully with the condition and prospects of that territory. After this has been done a party may proceed by land to Puget's Sound, or some safe harbor you may designate in the Straits Juan de Fuca, and the vessel detached for the exploring party may meet them there. . . .

The object of this order is to perfect the knowledge of the country of Oregon and to cheer our citizens in that region by the presence of the American flag; and, if peace continues, you will consider this the most important duty assigned to your squadron. If, contrary to present expectation, a state of war should exist, you will endeavor to persuade the crews of the *Savannah*, the *Warren*, and the *Levant* to prolong the terms of their enlistment in order that they may remain in coöperation with the rest of your force. But if affairs remain in their present attitude, you may direct Commodore Stockton to take charge of those three vessels and to bring them to the United States in season for the discharge of their crews within the period of their enlistment. Commodore Stockton, on taking the command of the returning squadron, may hoist his broad pennant. You may direct him on their return, if he can do so without material delay, to touch on his way at places on the Mexican Coast where there may be opportunity of gathering useful information or conciliating kindly dispositions.

. . . . . .

You will take care that the laws of the United States for the government of the navy and general orders in pursuance of them are strictly and sincerely respected and obeyed.

Very respectfully, GEORGE BANCROFT.

These, then, the orders of Bancroft to Sloat, sent in October, 1845, by the secret messenger, were "our instructions" which, according to Frémont's final statement, were in conflict with the letter of Buchanan to Larkin, and which authorized the means that Frémont thereupon took "to carry out the intentions of the President." These means consisted in that irregular attack upon the peaceful Californians whose mischievous consequences are now well known, an attack which was itself a distinct hindrance to the acquisition of California, endangering all our interests in that Territory. The attack was, indeed, opposed to Consul Larkin's plans. It was "authorized" by a despatch which told Sloat to "communicate frequently" with Consul Larkin and to "conciliate" the Californians.

It is also to be noticed that these same instructions seem to have authorized Capt. Frémont to write to Commander Montgomery of the *Portsmouth*, then in San Francisco Bay, at the moment when the young explorer was about to engage in the irregular hostilities of the "Bear Flag affair." There was, of course, good reason why Frémont had still to conceal his hand, in order that he might later have a chance to attribute his action to the necessities of self-defence. What he wrote to Montgomery, therefore, ran at one point thus (see *Century* for March, 1891): "The nature of my instructions, and the peaceful nature of our operations, do not contemplate any active hostility on my part, even in the event of war between the two countries." If one compares these words with the final account of Gen. Frémont concerning the "conquest," one sees afresh with what manner of romance one has to deal.

I regret, then, very much that our great historian's name has been made use of, so soon after his death, for so unhistorical a purpose

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as that of the posthumously published Frémont narrative. Nobody respects Bancroft's memory more than does the present writer. His actual part in the seizure of California has long been known through other of his despatches, all of a similar tenor. He repeatedly instructed Sloat to seize the defenceless California ports at the outbreak of war, but to keep the inhabitants neutral if he could, to conciliate, and not to assail them, to show irresistible force, but to show every kindness as well. This policy Frémont, who was, indeed, not under Brancroft's immediate orders, lawlessly thwarted for his own glory, whereof he got a good deal. I should myself never think of attacking the Frémont legend so often, were it not so unsubstantially immortal. I shall rejoice, indeed, if ever the pale ghost ceases to walk in broad daylight. The twilight regions of our historical consciousness in this country will probably never be rid of it.

JOSIAH ROYCE.

CAMBRIDGE, MASS., May 10, 1891.

Notes.

D. C. HEATH & Co., Boston, are about to issue a 'Comparative View of the Executive and Legislative Departments of the Governments of the United States, France, England, and Germany,' by John Wenzel, Assistant Librarian of the College of Liberal Arts, Boston University. The arrangement is by parallel columns.

Lee & Shepard announce a second series of the 'Speeches and Lectures of Wendell Phillips,' uniform with the first series; a reissue of 'The Life and Works of Horace Mann,' in five volumes; and 'Gestures and Attitudes, based on the Delsarte Philosophy of Expression,' by Edward B. Warman, with illustrations.

T. Y. Crowell & Co. announce 'Famous English Statesmen,' by Mrs. Sarah K. Bolton; 'A Score of Famous Composers,' by Nathan Haskell Dole; 'Elements of Socialism,' by Prof. R. T. Ely; and vols. iv. and v. of Sybel's 'Founding of the German Empire by William I.'

Houghton, Mifflin & Co. will shortly publish the authorized Life of Robert Browning by Mrs. Sutherland Orr, in two volumes; 'Lewis Cass,' by Prof. A. C. McLaughlin, in the "American Statesmen" series; and 'Ryle's Open Gate,' a story by Mrs. Susan T. Moore.

A translation of Dr. Richard Falckenberg's 'History of Philosophy, from Nikolaus von Kues to the Present Day,' is about to appear with the imprint of Henry Holt & Co.

Macmillan & Co. have in press 'Renascence,' a volume of verse with illustrations by Walter Crane.

Worthington Co. will publish directly 'The Rector of St. Luke's,' from the German of Marie Barnard, by Elsie L. Lathrop.

'My Official Wife' is the title of a novel by Col. Richard Henry Savage, to be brought out by the Howe Publishing Company.

A study of Proudhon, 'Ein Beitrag zur sozialen Reform,' by Dr. A. Mülberger, is in the press of G. J. Göschen, Stuttgart, together with a work in which Dr. Cauer of Tübingen maintains that Aristotle cannot have been the author of the 'Constitution of Athens.'

Just four years ago we were reviewing, in the original French, Boutmy's 'Développement de la Constitution et de la Société Politique en Angleterre,' a work remarkable for its freshness not less than for its evidence of knowledge, grasp, and research. Under the simpler title, 'The English Constitution,' this has now been translated by Isabel M. Eaden, and published, with a commendatory note of introduction by Sir Frederick Pollock, by Macmillan & Co. It makes a compact, handsome volume of 212 pages.

Little, Brown & Co., Boston, have issued, from the original plates, a second edition of the 'Life and Letters of Wilder Dwight, Lieutenant-Colonel Second Massachusetts Infantry Volunteers,' which first appeared in 1867. Ever since the first impression was exhausted, we are told, and we can well believe, there has been a yearly demand for the work, which could not be met. This demand was largely personal, we suppose, but the perennial interest in our civil war might also account for it; and this tribute of affection is as good an exhibition of the highest type of Northern soldier, associated with the highest type of Northern regiment, as could anywhere be found. Col. Dwight was a member of the class of 1853 of Harvard College—a class not a little distinguished for its varied and conspicuous talents, but having also a marked connection with the College subsequent to graduation. Many of his fellow-officers were Harvard men, and, as they figure in his letters, help to make this emphatically a "Harvard Memorial Biography." Dwight left the law to enter the army and lay down his life finally at Antietam. One is made acquainted with a singularly lovable and high-minded personality, and in his letters gets many graphic glimpses of the progress and conduct of the war. The story cannot be read without emotion.

A revival of equal age with the foregoing is the new edition of the 'Journal of Maurice de Guérin' (Dodd, Mead & Co.), but in this case we have also a new translation, by Jessie P. Frothingham. We have compared it with Mr. Fisher's version (1867), now out of print, and find it more literal and on the whole more felicitous. Sainte-Beuve's memoir is prefixed, and the French edition followed is the twentieth. The book would be a pretty one but for the untasteful binding.

A slight examination of the articles in 'Appletons' Dictionary of New York and its Vicinity,' of which the current issue is the thirteenth, makes good the claim to annual revision upon the title-page. But a readier test is the comparison of folios, which shows that the work is not printed from patched plates, but is kept in type for perfect fluidity in modifying and remaking. This is the only practicable course in the case of a work which has to undergo so many even if slight changes. The Dictionary needs no fresh praise. One of the new entries, "Labor Organizations," is a valuable summary account of the fortunes of the Central Labor Union.

'A Lady's Letters from Central Africa,' by Jane F. Moir (Macmillan & Co.), is a very entertaining account of a recent journey from the Shiré Highlands to Ujiji on Lake Tanganyika, by the manager of the African Lakes Company and his wife. At this latter place the travellers were the guests of the leading Arab slave-trader, and an animated description is given of the merry, but curious and impertinent, women of his household. Some distance to the south of this is Karema, a station of Cardinal Lavigerie's "White Fathers." Here, under the care of five men, are several hundred boys and girls who have been bought from the natives or the Arabs when from three to five years old. Each child is taught to work, rarely to read, and "each hoes its little bit of garden, and they are brought up strictly as Roman Catholics," knowing no other religion or superstition. When old enough, the boys and girls live in separate villages near the convent, while the married couples live in still another village a little farther off. This system seems to be far better suited to the natives than that of the Protestant missionaries, "who, so far, have little hold on the people, though they work bravely." Two of these latter "said to us, 'Don't be surprised if some time you find the whole shores of Tanganyika Roman Catholic.'" An attractive picture is drawn of the beautiful country at the northern end of Lake Nyassa, where lovely villages nestle amid endless banana groves. "It is like walking through one vast palm-house or winter-garden, and the beautifully made cow-houses and huts are like ornamental summer houses." "The people, of whom there are thousands, are, almost without exception, very handsome. Especially at Makyusa's the men are magnificent, the larger proportion of them being over six feet high and splendidly made." From these letters, which were not written for publication, it is very evident that the Scotch Lakes Company is doing an admirable work in developing the resources of the country through which it trades, as well as in checking the slave-trade. The work may usefully be read in connection with Prof. Drummond's 'Tropical Africa.'

A shower of new medical books, popular as well as technical, is a constant consequence of an epidemic. One of these, dropping from the grippe of last year, is 'Influenza and Common Colds,' by W. T. Fernie, M.D. (London: Percival & Co.). The therapeutics of the author, "bound by the tenets of no particular school," are those of regular medicine very highly flavored, or diluted, by homœopathy. In view of the recurrence of the pandemic, there is a natural tendency to such reading; but, except in minor disabilities and in the most arbitrary way, it seems that the *cure* of disease is a questionable branch of secular knowledge, whereas avoidance may always suitably be taught. The experienced practitioner might take one or two hints from this little work, but it is doubtful whether the average layman would profit much by it, except as to the early control of colds in the head.

J. W. Bouton sends us the Illustrated Catalogue of the Salon of the Champs-Élysées, which opened on May Day. Secession has done nothing to diminish the bulk of the exhibition, but its quality cannot of course be safely inferred from these pictorial memoranda. We remark a pen-sketch by V. Parlaghy, after his portrait of Dr. Windthorst, which looks to be carefully enough done to have value as a likeness in itself. E. Renouf has made the Brooklyn Bridge his theme. The inevitable Jeanne d'Arc of this exhibition is found in the statuary department, and shows the Maid vowing herself to the salvation of France.

In the *Scottish Geographical Magazine* for May is the first of an important series of papers on "Britannic Confederation." This is by Sir John Colomb, M. P., and is devoted to a general survey of existing conditions. His main point is, that, under the present system, the colonies, which are practically independent except in their foreign relations, contribute absolutely nothing to the defence of the Empire. Formerly this was of little consequence, but, with the recent extraordinary growth of their commerce, it has become a question of the first importance as to whether this burden should not be divided. The present sea-trade of the United Kingdom is estimated at $744,000,000, that of the colonies at $460,000,000. But more than half of this, $273,000,000, is carried on with foreign countries, and in it the United Kingdom has no in-

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terest whatever. This independent sea-borne trade "is increasing every year at such a rate as to be fast overtaking the sea-borne commerce of the United Kingdom itself." Attention is also called to the fact that "the provision made for imperial defence is very far indeed from keeping pace with imperial property requiring defence." A brief consideration is given to the disadvantages both to the mother country and to the colonies of absolute independence. The one would suffer from the insecurity of its food supplies and the raw materials for its factories; the colonies would be obliged to maintain each an army and a navy and to create a diplomatic service.

Dr. Pepper, Provost of the University of Pennsylvania, has notified the American Oriental Society that the University and the Babylonian Exploration Committee have resolved to open to students the inedited tablets, numbering 700 at present, which have been purchased by the Committee outside of Turkey and are now deposited in the museum of the University. In the meanwhile, Dr. John P. Peters, director of the explorations at Niffer, is negotiating at Constantinople with the Ottoman Imperial Museum respecting the products of these explorations.

The Marine Biological Laboratory at Wood's Holl, Massachusetts, will open its fourth season on July 8, limiting admissions to thirty persons, preferably teachers and others already qualified. There will be courses in zoology, botany, and microscopical technique. Applications should be addressed to Miss A. D. Phillips, Secretary, No. 23 Marlborough Street, Boston.

Mr. F. Gutekunst, Philadelphia, sends us an imperial panel portrait of ex-President Andrew D. White of Cornell, which, as a fine likeness and photograph, is worthy to rank with the Lowell and Curtis which we have already noticed in the same "gallery."

—In the *Economic Review* for April, Mr. C. J. Longman considers our new Copyright Act from an English point of view. He points out that authors whose works have failed to attract pirates hitherto will not be benefited by the act, since, if there had been a market for their works, the pirates would have found it out. But possibly there will be more inducement to legitimate publishers now that they are protected against the piratical propensities of their rivals. He further shows that new books by popular authors will have to compete with the piratical editions of their earlier works, and must therefore be issued at low prices. The protective features of the act are, of course, unfavorable to English printers and paper-makers, inasmuch as if a book is to be copyrighted in both England and America, it must be manufactured here, and the English export of copyrighted books will be stopped. But this, Mr. Longman says, has never been a large business, owing to the pirates, and he is of opinion that not "more than 5 per cent. of the books published in the United Kingdom after July, 1891, will be copyrighted in America." Upon the whole, he concludes, some English bookmakers, in the material sense, will suffer, while some authors will be benefited.

—In this connection we may notice 'The Question of Copyright,' prepared by Mr. Geo. Haven Putnam, and published by his firm in the "Questions of the Day" series. It is a perfect arsenal of facts and arguments, carefully elaborated and very effectively presented. Those who have received the impression that the matter of copyright has been settled by our recent act, are informed by Mr. Putnam that we have as yet only arrived at the point reached by France in 1810, and by Great Britain and the States of Germany in 1837. We are still behind most of the countries of Europe, the states of Tunis and Liberia, and the republic of Hayti. The book contains a summary of the more important of the copyright laws and international conventions now in force, and an abstract of certain measures likely to be enacted in England, and is lightened by a number of spirited essays by Mr. Brander Matthews and other writers, among whom Mr. Putnam is included. Altogether, it constitutes an extremely valuable history of the development of a very intricate right of property, and it is as interesting as it is valuable.

—No one genuinely interested in art can afford to ignore the question involved in the case of Prof. Herkomer's 'Idyl,' published in London and New York by Messrs. Novello & Co., which lately has been attracting so much attention in England, and, in fact, in the artistic world everywhere. When the book first appeared, Mr. Joseph Pennell, in the columns of the *National Observer*, asked Prof. Herkomer if all the plates in the book were etchings, as the publishers announced, and as the Professor himself, by his signature in each copy and on every so-called proof, guaranteed them to be. Those who have followed the recent development in the arts of illustration and reproduction need not be reminded to what a degree of perfection photo-engraving has been brought; that special method known as photogravure, when practised by a clever man, producing results which at the first glance can scarcely be distinguished from etchings, even by the most accomplished experts. Some little confusion has already followed. One or two unscrupulous publishers have advertised and sold photogravures as etchings, and critics and the public have calmly accepted the deception. Now, when the 'Idyl' was published there was good reason to believe that all the sixteen illustrations were not the etched plates they were claimed to be, and this despite Prof. Herkomer's signature. If a man holding his high position, a member of the Royal Academy and Slade Professor at Oxford, was allowed, unchallenged, to perpetrate such a fraud—it can be called nothing else—then there could be no doubt that the art of etching was doomed. Mr. Hamerton, Dr. Seymour Haden, Mr. Walter Sickert were three of many to record their strong disapproval of Prof. Herkomer's conduct and to demand an explanation. Several of the daily papers joined in their demand, and it was suggested that the Society of Painter Etchers, the Royal Academy, and the University of Oxford should take action in the matter. For six weeks Prof. Herkomer was silent. Then, in a letter to the *Times*, he admitted that nine of the sixteen plates were photogravures — that is, in plain language, that he had swindled every purchaser of the book who supposed that he was buying etchings and that Prof. Herkomer's signature was worth the paper it was written on.

—"All May Day demonstrations in London," writes a correspondent, "were postponed until Sunday, May 3, and then nothing could have been more orderly than the processions which were virtually all morning making their way to the Park, or the meetings which massed the people together in one uninterrupted line from Marble Arch to Hyde Park Corner. But any one who has watched the labor movement in London of late years must have been struck with two facts which distinguished this demonstration—one of the largest ever held—from any which have recently preceded it. The first was its genuineness. When the visitor from the West End to the St. Jude picture show or the People's Palace organ recital on Sunday wonders at the number of linen shirts and top hats in the crowd, he is assured that every workman always keeps a decent suit of clothes to wear on his one holiday in the week. But there were few white shirts or top hats among the demonstrators for an eight-hours' day. Here was the genuine workman — the docker, the porter, the sweated tailor, the stevedore, the factory hand—the man who supports himself and his family on eighteen shillings or a pound a week, and is thankful if he has a flannel shirt and a colored handkerchief to tie around his neck. Here, too, was the coster in his corduroys and buttons. Of course well-known politicians, faddists, and Socialists were on the platforms, but never have the working-classes turned out in greater numbers to claim what they believe to be their rights. The other feature of the afternoon was the very visible increase in the interest of the West End itself in the deputations from the East. Two or three years ago it was the exception to see a well-dressed person in the Park on such an occasion. But on the 3d there was a good-sized crowd of lookers-on whose social or industrial rank was as evident from their clothes as that of the assembled laborers and workmen. That something must come of this increased active interest on the one hand and growing curiosity on the other, would seem likely in any other country than England. But there, where demonstrations serve as safety-valves to the discontent of the masses, it is probable that the eight-hours' meeting will have as small consequences as the daily gatherings in Trafalgar Square of four years ago. However, it speaks well for all concerned that, despite the ill-feeling those gatherings inspired, the enormous crowds of the 3d met and disbanded their forces without the least disturbance or trouble, while the police were kept well in the background."

—The second volume of the 'Handwörterbuch der Staatswissenschaften' is brought to a conclusion in part xii., which contains 200 pages and comprises the whole of the letters C and D, while A occupied 1,046 pages and B 800. The apparent falling off in the space occupied is partly due to the fact that many large articles, such as Capital, Credit, etc., will appear under K, instead of C. The number of articles printed in this part is about 100, nearly equally divided between the two letters. As a natural consequence, none of the articles reach the great length of some printed in former instalments. The longest is one of 37 pages on National Domains or Public Lands; the next in point of length is one of 17 pages, by Prof. George Cohn of Heidelberg, on Checks, which, however, will strike American readers as unnecessarily long by reason of a somewhat pedantic discussion as to what constitutes or does not constitute a check. In general it may be said that, since Political Economy has fallen into the hands of professors, there is a tendency to invest with a great deal of complication matters which are intrinsically simple and capable of being explained in simple language. An article of 14 pages, by Prof. George Adler of the University of Freiburg gives an account of the Paris Commune of 1870-'71, with a bibliography covering a page and a half. Another article of the same length is that by Prof. Lexis of Göttingen (one of the editors of the Dictionary) on Bimetallism, in which the subject is treated in a moderate tone and with a degree of impartiality that almost smacks of Bunsbyism, but finally the conclusion is reached that Bimetallism

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would probably lead to an exclusive silver standard. With the exception of an article of 11 pages on Discounts and Discounting, all of the other articles are short, none exceeding four pages. There is an unusually large number of biographical notices, the longest being one of three pages on Henry C. Carey, also by Prof. Lexis, and also measuring out substantial justice in very measured language. Other writers, more briefly noticed, are John Calvin, Carlyle, Thomas Chalmers, Cernuschi, Chevalier, Sir Josiah Child, Richard Cobden, Comte, Cossa, Dühring, etc. The bibliography is brought down very closely to date, the new French Dictionary of Political Economy, of which the first volume was completed in 1891, being cited as authority for biographies of French economists.

—The "telluric dry-gas lines" near D, mentioned in Prof. Piazzi Smyth's maps of 'The Visible Solar Spectrum in 1884,' are determined in a monograph on 'The Solar Spectrum at Medium and Low Altitudes,' from observations made at Lord Crawford's Observatory, Dun Echt, during 1887-89, by Dr. Ludwig Becker, and published in vol. xxxvi of the Transactions of the Royal Society, Edinburgh. The memoir contains a catalogue of more than 3,600 lines of the solar spectrum, including nearly a thousand telluric lines. The observations on which they are based exceed 26,000 in number, on forty-seven sunsets and thirty-two sunrises, and form a valued contribution to the literature of this complex study, from the point of view of both meteorologist and astronomer. Dr. Becker's instrument was in its optical part the great spectroscope of the Dun Echt Observatory, the necessary dispersion being obtained by a large Rowland grating, ruled on speculum metal with 14,438 lines to the inch, and presented to the Earl of Crawford by the Johns Hopkins University. This powerful apparatus Dr. Becker supplemented by an ingenious mechanism of his own devising, whereby the differential motion of the grating is suitably magnified, and at the same time recorded with rapidity and certainty on a continuous fillet of paper. As the observations have all to be made within a few minutes of sunrise or sunset, the means of instant and permanent record is an absolute essential. So successful was this novel mechanism that each line of the solar spectrum required on the average but nine seconds for determining its position. Dr. Becker's effective apparatus for doing this should have been figured as well as minutely described. Under the direction and at the charge of Lord Crawford, the whole was established on the top of the Barmekin, a commanding eminence a short way from the Dun Echt Observatory, rising 850 feet above sea level and distant fourteen miles from the coast. During the summers of 1887, 1888, and much of 1889, Dr. Becker spent all the nights on the hill. A great many of the telluric lines could be designated immediately, while others presented much difficulty. In a region where many telluric lines occur, there is, of course, a tendency to ascribe lines to atmospheric absorption which in other places would pass as solar. Much of the work had thus to be repeated several times for the avoidance of mistakes. With few exceptions all the telluric lines finally picked out were found to be arranged in three bands, the first of nearly 700 lines, and the other two of about 100 each. At the conclusion of his paper, Dr. Becker's brief comparison of his own work with the splendid charts of the late M. Thollon, made with a train of bisulphide-of-carbon prisms, and recently published from the Nice Observatory, proves the superiority of the Rowland grating beyond question.

JOHN DICKINSON'S CASE.—II.

The Life and Times of John Dickinson. 1732-1808. Prepared at the request of the Historical Society of Pennsylvania by Charles J. Stillé, LL.D. Philadelphia: J. B. Lippincott Co. 1891.

In spite of Thomas Jefferson's prediction, it seems to Dr. Stillé that something like a mildew has fallen on the brightness of Dickinson's fame in these latter days of the Republic. The biographer ascribes this result in part to the traditional indifference shown by Philadelphia to the reputation of her great men; in part to the dim eclipse which threw Dickinson's personality into shadow after his recoil from the Declaration of Independence, but most of all to the damaging impression made on historians by a series of articles published in Philadelphia under the signature of "Valerius" at the date of Dickinson's return to Pennsylvania in 1782, and consequent on his assumption of office as President of the State. In these letters of "Valerius," supposed to have been written by Gen. John Armstrong, afterwards Minister to France and Madison's Secretary of War, it was charged, with every variety of insult and opprobrium, that Dickinson had opposed the Declaration of Independence on general grounds of antipathy to popular liberty, because he was a monarchist at heart and an aristocrat by nature; that his persistent hostility to the new State Constitution of Pennsylvania was inspired by his subserviency to the Proprietary family and to the Tory interest; that he had deserted his military command in the open field in 1776, and in the presence of the enemy; that in the trying crisis of that hour he showed himself a physical coward as well as a moral traitor; and, finally, that he proved his traitorous intent by endeavoring, after his political defection, to destroy the credit and currency of the Continental money.

To all these charges and insinuations Dickinson made at the time a formal and elaborate reply, which Dr. Stillé reproduces in an appendix to his volume. The defence seems to have been ample in the judgment of Dickinson's contemporaries, at least so far as concerns the patriotism and integrity of the writer; and hence we find it difficult to concur with Dr. Stillé in the opinion that it is the venom of "Valerius" which has poisoned the fountains of history to the detriment of Dickinson's fame. The poison bottled up in these vials of wrath has long since evaporated and left no trace behind. Neither the railing accusation of "Valerius" nor Dickinson's reply has created the standing historical problem in this case. The problem results rather from the strange vicissitude witnessed in a high political career which exposed its subject to easy attack while he was living, and which imposed on him and on all who came after him the hard necessity of a difficult defence. How inert the operose invective of "Valerius" has become we may read even in Dr. Stillé's pages, for he has not thought it worth his while to give to "Valerius's" letters a careful study. He tells us that Dickinson made no reply to this torrent of denunciation "until the bitterness of his adversary had exhausted itself, so far as it could exhaust itself in the newspapers." In fact, "Valerius" continued to vent his spleen on Dickinson long after the latter had published his formal reply. In letters running from the 6th of November, 1782, to November 19, 1783, and perhaps later, he kept the sluices of his billingsgate perpetually in flow. In one of his closing letters he promised to give "a description which would reveal who he was," but he never kept his word.

We must look deeper, then, than in the mud and slime of the polemical politics of a former period for a solution of the enigma supposed to be hidden in the life, character, and career of John Dickinson. The *crux* of the riddle is found in the mystery that one who had waded so far and so bravely in the stormy waters of the Revolution should have returned so strangely on his steps, or should have stood still, at a time when returning or standing still was as little the part of personal prudence as of political foresight. He lived to confess the grievous fault he committed in shrinking from the Declaration of Independence, and the confession has served to vindicate the purity, the candor, the moral courage of his conduct; but it has not served to atone for the fault itself in the assize of impartial history. Whatever exceptions may be taken to some of the epithets with which Bancroft has characterized the action of Dickinson in certain emergencies, it seems to us that the general judgment of the historian of America must be pronounced no more than just. Dickinson, with all his beautiful virtues and scholarly qualities (may we not even say *because* of his beautiful virtues and scholarly qualities?) "was too delicately organized to take part in the rough work" of the Revolution. His refined culture and his opulent learning conspired with his delicacy, his modesty, his "timorousness" to make him over-confident of the power of rhetoric to untie a Gordian knot which only the sword could cut. It is not alone in the pages of later history that we find animadversion on his "nice refining and on the want of mastery over his erudition." His refinements often seemed intolerable to the most friendly of his contemporaries, and no one can read, for example, the paper which he prepared for the Provincial Meeting of Deputies assembled from the several counties of Pennsylvania in Philadelphia on the 15th of July, 1774, without seeing how just was the censure pronounced on his political pedantry. His polemical writings at this time are loaded down with a plethora of learned quotation until they may be said to resemble the cloak of Helen—*pallam signis auroque rigentem*, as Virgil has it. Each of the "Farmer's Letters" was carefully rounded off with an apt citation from the Latin tongue, as if even the signal of political conflict could best be sounded through the silver trumpet of the classics.

If we were set to discover the *mot* of the Dickinson enigma, we should hunt for it in the psychological study of a nature presumed to have been wanting in perfect symmetry and strength because of an unequal balance between its perceptive and its executive powers. Just in proportion as Dickinson's perceptive power was keen and wide, his executive power was liable to be stricken with paralysis by the lions he saw in his path without having the courage to take them by the throat. So it came to pass that he who reasoned in his cabinet "like an oracle of God," might be suddenly transformed on the field of action into another Aethelred the Unready. This psychological trait is no rare phenomenon in history, but finds expression alike in coarse natures and in fine spirits when they are called to face some dreadful moment in the Valley of Decision without having a force of will superior to their powers of perception. Men the most un

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like in their moral character and in their social surroundings may resemble each other in this idiosyncrasy. Kinglake, the historian, has left us a striking picture of Napoleon III. on the eve of the Crimean War with which to illustrate the psychological weakness in question. Such would seem to be the portrait he draws of a man disposed to linger over-long in the early stages of a plot; who had the boldness which comes from reflection without that which comes from temperament; who nursed the idea of great enterprises without foreknowing what his sensations would be in the hour of trial; who was liable, therefore, at any moment to be scared by the very danger which he had long been courting, and who, with a procrastinating frame of mind, was always looking about when the hour of action came for some new resting-place in which to shelter his indecision.

It is no reflection on the patriotism of Dickinson that he had the defects of his qualities, and that, under the sway of his constitutional conservatism, he was unable to keep pace with the swinging gait of fervid spirits like Samuel and John Adams. He was conscious of his own limitations, even in the hour when he complained most bitterly of being deserted by his "unkind countrymen." A sense of joy at his release from an intolerable burden of public duty mingles itself even with these fruitless repinings of a wounded spirit. In letters written at the time, and especially in a passage which Dr. Stillé omits (perhaps from motives of delicacy), he tells Charles Thomson that no bridegroom ever entered the bridal chamber with more joy than that which he felt at the moment when he "cast off his popularity" and went into voluntary exile. He was glad to escape from the agony of civil feud, as Falkland was glad to die at Newbury, "ingeminating 'Peace! Peace!'" because he saw there was no peace for him this side of the grave.

"My books and my fields," wrote Dickinson in 1776, "are intercourse and employment for which my constitution is better formed than for the toils of war." His whole career is in keeping with this bit of self-analysis. Early in his public life he acknowledged that he had a disposition to look on the dark side of political changes, and confessed a willingness to submit with complacency to the "censure of being too apprehensive" where possible injury might befall his countrymen. Doubtless he never overcame this constitutional timidity, but it is pleasing to know that in the last great appeal which he made to his fellow-citizens—in the papers written to advocate the ratification of the Constitution—he pointed a pregnant moral against the credence too easily given to "prophets of evil." At the close of those letters he held up to derision the dire predictions adventured by the Earl of Belhaven when decrying the union of Scotland with England. Dickinson had seen the fallacy of such evil auguries in his own painful experience, when, inspired by a want of faith in the logic of events, he set his face against the Declaration of Independence for fear of the evils that were to come on the earth.

We can but admire the biographical enthusiasm with which Dr. Stillé carries his hero on his shoulders through all the fires of the Revolutionary ordeal, but we could sometimes wish that the author had been a little more strict in point of statement, reference, and date. After describing, for instance, the Proprietary Assembly in 1776 as a "bewildered," "puzzled," and "panic-stricken" body, which perished from pure inanition at the first touch of popular violence, it seems hardly consistent to speak of its "masterly inactivity," when its whole inactivity was really the mark and sign of a helpless impotence. It is stated that Joseph Fox, Speaker of the Pennsylvania Assembly, was a "colleague" of Dickinson in the Stamp-Act Congress. Fox was appointed a delegate but did not attend. The date of the Stamp-Act Congress, "the Morning Star of the Revolution," is fixed (p. 72) at the "5th of October, 1764," instead of the "7th of October, 1765." The cross-reference of Appendix vii (p. 421) is confounded with the cross-reference of Appendix iv, and should be p. 232 instead of p. 161. But most confusing of all is the reference made on p. 73 of this biography to Appendix i. as containing Dickinson's "original draft" of the resolutions submitted by him to the Stamp-Act Congress. On turning to the Appendix we find that the author has inadvertently substituted for that draft the copy of an entirely different series prepared *in pari materiâ* for the Provincial Assembly of Pennsylvania. Readers who wish to get access to the true *pièce justificative* may easily find it in the edition of Dickinson's writings published in 1801; but it is not pleasant in a work of history to be put on a false scent.

JAMESON'S STORY OF THE REAR COLUMN.

The Story of the Rear Column of the Emin Pasha Relief Expedition. By the late James S. Jameson, naturalist to the expedition. Edited by Mrs. James S. Jameson. Illustrated by C. Whymper from the author's original sketches. Authorized edition. United States Book Company. 8vo, pp. xxxii, 455.

THERE is much that is interesting in this book, regarded simply as a naturalist's account of his life upon the Congo, and no one can read it without a feeling of regret at the author's untimely death, as a distinct loss to science. Mr. Jameson began his short career as a collector, especially of birds and insects, at the age of twenty-one in Borneo, where he made at least one important discovery. This adventurous trip was followed during the next few years by extensive journeys in South Africa, the Rocky Mountains, and Algeria, so that when he joined Mr. Stanley's expedition he was exceptionally well fitted to make collections of the Congo fauna. Although his official duties interfered seriously with his favorite pursuit, he eagerly availed himself of every opportunity, with very considerable success, as is shown by the lists, given in the appendix, of birds and insects sent by him to England.

His diary and letters show that he was an excellent observer and able to give a vivid impression of the scenery of the great river and the various incidents of the march and camp life. The last entry in his diary, made five days before his death, while running the gauntlet of hostile natives at night, is a fair specimen of his descriptive powers:

"Shot out of an open reach—fine clear night—into a dark, narrow channel, not more than forty yards wide. All at once it became lit up with dozens of fires on both sides, throwing a bright light back into the forest and across the water. We glided on without a sound from us but the zip-zip of the paddles, drums beating, horns blowing, shouts and cries on every side, the white loin-cloths of our men showing plainly who they were. Down this lane of fires and noise we went for nearly half a mile, when suddenly it opened out into a grand open reach of the river on our right, the fires, drums, etc., going on for more than a mile away down on our left."

He seems to have had little inclination to note facts concerning the bird and insect life about him, and passages like the following, descriptive of the nest-building of the black weaver-bird, are accordingly rare:

"They tear a long thin slip off a palm leaf, hold it tight to the side of the nest with one foot, take hold of the loose end in the beak, push it through a small hole in the side, pull it out through another, and make it fast, using the unemployed foot as well as the beak the whole time, regularly weaving the strip of leaf in and out in a wonderful manner."

Still fewer are Mr. Jameson's observations on the distinctive habits and customs of the people with whom he spent seventeen months. Among these is a native's account of the manner in which they make poison for their arrows, which were "long thin slips of hardwood, not much thicker than a match." The ingredients are obtained partly from a tree and mixed "with snake poison, as well as with portions of the body of a child which had been dead a long time, heating it all up together in a pot." An interesting account is given of Tippu-Tib, who, while at first apparently doing everything in his power short of actual violence to wreck the rear-guard, was personally very kind to its officers. This noted freebooter has three nicknames, Tippu-Tib from the sound of his guns; "Mkangwa Nzala, 'afraid of hunger,' in reference to an old saying of his that he does not mind a road where there is plenty of fighting, for there there is food, but a road without fighting means hunger; and lastly, Mtipoora, 'footsteps' or 'footmarks.' When natives come to a village which he has attacked, they look at the footmarks, and say, 'Tippu-Tib has been here, it is a bad place, we will leave it!' This latter name, Mtipoora, is the one by which he is generally spoken of all over the country." From his conversations with Mr. Jameson this Arab appears to have far-reaching plans for greatly extending the territory over which he rules. He questioned him "very closely about all the parts of Africa where gold is found," possibly with reference to an expedition of a thousand men which he was then fitting out for a "gold country" south of Lake Bangweolo.

The main object of the book, however, is to tell the story of the rear column, and this it does, so far as Mr. Jameson is concerned, very simply and fully. How far it succeeds in rebutting Mr. Stanley's charge that "the rear column was wrecked by the irresolution, the neglect of promises, and the indifference to written orders of the officers he left in command of it," will probably ever remain an open question. But the diary leaves the reader in no doubt as to the spirit which Mr. Jameson brought to his duties. At the very outset he records his keen disappointment that Mr. Stanley's imperative haste to bring relief to Emin Pasha would absolutely prevent his collecting while on the march, his one object for joining the expedition. "Though I must say I was rather mad at first, I am now making the best of a bad business," is his comment, but with little success, for at the end of five months he writes to his brother, "As regards myself, the whole trip has been a vast sell." Unfriendly relations with his leader were under these circumstances inevitable, and it does not surprise us to find several incidents recorded in which Mr. Stanley is represented in the blackest colors as grossly unfair and ungentlemanly. When we find, however, that the missionaries of the Congo are accused of theft, treachery, and, by implication, of immorality, the absolute truth of Mr. Jameson's statements may justly be doubted.

It is evident, also, that he had no true interest in the men under his care. He notes in his journal their sufferings and death, with

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now and then a kindly expression of regret that he is unable to help them; but we fail to recall a single instance of any attempt on his part to find out and relieve the cause of the great mortality among them. He is wholly absorbed, while in camp, with collecting, sketching, preparing his specimens, and cleaning his guns. His principal official duties seem to have been going the round of the sentries at night and flogging, or causing to be flogged, those whom he found asleep at their posts.

Mr. Stanley, in his letter of instructions to the officers of the rear column, gives some recommendations as to establishing, by gifts, etc., amicable relations with the natives who have been driven away by the expedition from some of their villages and manioc fields. He has not been gone a fortnight when Mr. Jameson suggests the capture of women in order to force the natives to bring in meat, not for the expedition, but for Maj. Barttelot and himself. This is the way in which he begins an account of the manner in which he carried out his barbarous suggestion: "July 10th—I had a most delightful day, for instead of digging the ditch I was out all day. I had determined to begin collecting to-day in the natural-history line, and succeeded in a much larger way than I intended, by collecting two native women, one baby, and a boy." Ten goats, twenty chickens, and some honey are demanded as a ransom. These the natives do not bring, because, as it turns out, they have but a single kid in their village. But Maj. Barttelot tells them, four days after the capture, that if they did not bring a boy whom they had taken prisoner in retaliation, five goats and twenty fowls, "the women would cease to exist." This threat, Mr. Jameson informs us, the poor creatures fully believed would be carried out. It may be said, in this connection, that the diary also gives an instance of Maj. Barttelot's manner of punishing offences. A Sudanese soldier stole some meat on December 2, receives 150 strokes, "which cut him up very much," is put in chains "doing walking punishment [carrying a load in camp] every day" until February 4, when he escapes. A few days after, he is recaptured and is shot, which, considering "from what a miserable existence he tried to escape," was, after all, a merciful act.

Mr. Jameson shows his heartlessness towards the natives in other ways, also. He, most inexcusably, shoots some of them while they are defending themselves against his companions, a band of Arab slave-hunters who have looted and destroyed their villages. It is difficult, indeed, to detect any difference between the way in which the two officers regarded the negroes and that of the Arabs themselves. "Three of Barttelot's slaves [women] escaped from the Sudanese soldiers in charge of them," is a terribly significant entry in the diary. The cannibal feast of which he is the witness is the most flagrant proof, however; his own account seeming to us to be cold-blooded, and to show only the faintest conception of the enormity of his folly, to call it by no harsher name. It is scarcely necessary to add that this treatment, instead of establishing amicable relations with the natives, alienated them so that the villages in the neighborhood of the camp were abandoned. This greatly increased the difficulty of getting proper food for the men, the want of which was the principal cause of their wretched condition.

Indifference to the welfare of his men, and inhuman conduct towards the natives, are the gravest charges which can be brought against the unfortunate Mr. Jameson. But his diary also shows that in many respects he did his duty, as he understood it, faithfully, and, in the latter days, zealously. He stuck manfully to his post through the weary months of inactive waiting, though under great temptations to relinquish it. In his bitter disappointment at the beginning regarding the expedition as a "vast sell," he ends by being willing to sacrifice his whole fortune to insure its success. His faults were those of a somewhat immature young man (he was but thirty-two when he died), which he would probably have outgrown under a more favorable influence than that of Maj. Barttelot. He was placed in a position for which he was unfitted and given a task too great for his powers. It is greatly to be regretted that Mr. Stanley was not generous and self-forgetful enough to have joined with his censure of Mr. Jameson the praise which in some respects he seems to have well deserved.

The volume is profusely illustrated, mostly from sketches by the author. There is also an appendix containing, among other things, a short account of his work as a naturalist by Mr. R. Bowdler Sharpe, and descriptive lists of his collections.

Noto: An Unexplored Corner of Japan. By Percival Lowell. Boston: Houghton, Mifflin & Co. 1891.

On the west coast of Hondo, the main island of Japan, facing Corea, and projecting northward above the thirty-seventh parallel of latitude, is the mountainous peninsula and province of Noto. Formerly an appanage of the powerful Baron of Kaga, richest of all the daimios, it has been, since the old provinces were practically blotted from the map by the new prefectures, a part of the Ishikawa *ken*. In the days of the Jesuit missionary operations in the seventeenth century, Noto was far from being "an unexplored corner," for it was again and again traversed by the Portuguese priests ministering to their little congregations of Christian believers scattered here and there. In the history of the Roman Catholic Church in Japan, Noto figures frequently upon the page as a hopeful portion of the field of faith.

It was not, however, a search into archæology that prompted Mr. Lowell to mount his jin-riki-sha, and, with his boy Yejiro and a supply of tinned provisions, to make such a flying exploration as the limited time fixed in his passport would allow. For much the same reason that Coleridge selected the Susquehanna River as the site of his proposed colony—for its euphony and mystery—did Mr. Lowell select Noto. "Nobody seemed to know much about my inamorata." "I liked its vowel color; I liked its consonant form, the liquid *n* and the decisive *t*." The letters "suggested both womanliness and will." The more he looked the more he longed.

This delightful initial page or two about nothing is the keynote of the book. The strain is prolonged, the linked sweetness is drawn out, to the two hundred and sixty-first and final page. It makes little difference to the author or reader where he went, or whether Noto was objective reality or a promontory in dreamland. On every page we have an exhibition of intellectual acrobatics. The quips and leaps, the ups and downs, frolic and play of mental gymnastics remind us of Hokusai's inimitable sketch of Japanese boys exhausting the resources of calisthenic fun on a bamboo. The Chinese characters which the Japanese have for centuries employed to express the aboriginal Aino name Noto, mean a drama of ascents. This was Mr. Lowell's journey, and in his literary presentation there is dramatic power, with the narration of not a little comedy. It is a book to be read for intellectual pleasure rather than for information. Partly by railway, partly by jin-riki-sha, he crossed the great plain, the mountain ranges, the dangerous passes, the Etchiu delta, by sea inland and beyond land, and saw what there was to be beheld in Noto, which by his own confession was little beyond, if not indeed somewhat less, than could be seen in other parts of Japan. This, however, will not disappoint the reader who seeks amusement rather than statistics. Mr. Lowell loses no opportunity for fun, or for comical reference to his classics and mathematics. His sprightly gayety of mind makes his chat about charcoal, bedquilts, rice-straw sandals, ferryboats, or what not, as interesting as if he were solving the problems of feudalism, or telling amazing rather than quite ordinary stories of personal adventure. He writes of the pilgrims, the family worship, the hotel life, and, in general, of the country and people in an unconventional style that will please the general reader. To those who from a traveller seek fresh stimulus or knowledge the wonder will be, with so much dessert, where is the dinner?

Charles Darwin, his Life and Work. By Charles Frederick Holder. [Leaders in Science.] G. P. Putnam's Sons. 1891. 8vo, pp. xvi., 279. Illustrated.

This biography has been written with a view to interest young as well as adult readers. The author has not attempted an analysis of Darwin's work from a professional standpoint, but has aimed to present as simply as possible the story of his life, with a plain statement of what constitutes that complex of scientific opinion which has been called Darwinism. The Life as a whole is derived from the standard sources, the 'Life and Letters of Darwin,' by his son, and the 'Voyage of the *Beagle*.' To these are added an enumeration of the scientific honors, medals, memberships, etc., which came to the great naturalist; some account of his ancestry and family, a chapter or two on "Darwinism," a reprint of the proceedings of the Darwin memorial meeting held by the Biological Society of Washington shortly after his death, a bibliography of Darwiniana, and an index. There are also numerous, mostly very good, illustrations.

The book is not remarkable, either on the literary or the scientific side, but meets very fairly the need for a cheap, popular life of Darwin, which should be available for readers in general and especially for the young. As a guide in science or a serious study of the subject, it is, of course, without pretensions. There are occasional unimportant slips in matters of natural history which we do not feel inclined to insist upon, but there is one statement to which serious exception must be taken. The author says: "He [Darwin] was in theory an agnostic, in practice an orthodox Christian of the broadest type" (p. 148). Darwin was a noble example of ethical perfection, but that he was a Christian, much less an orthodox Christian, in any legitimate sense of the term, cannot be truthfully asserted.

George Eliot, Matthew Arnold, Browning, Newman Essays and Reviews from the *Athenæum*. By Joseph Jacobs. London: David Nutt; New York: Charles Scribner's Sons. 1891.

This small volume contains the literary estimates of the four authors named on the title-page, which appeared in the *Athenæum* on the

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occasion of their death; and together with them are six reviews of books by or about these authors. The estimates, it need hardly be said, are sufficient for the purpose they served; and if they are rather from a philosophic than a literary mind, and show more of German than of other culture, this is frankly declared by the author when he styles his criticism psychological and not æsthetic. The best of them is upon George Eliot, and embodies an admirably brief judgment; but we were more interested in the few remarks in the introduction upon the causes of the decline of her reputation since her death than in the analysis of her genius and influence. Mr. Jacobs looks upon her work as dominated by her ideas of Darwinism, or what used to be called such. He quotes his remark, made in 1879, upon the risk her works ran "by subordinating the eternal truths of art to what may be the temporary opinions of science," and adds that he was a true prophet. Darwinism, he thinks, "has come, and has conquered, and, as a vital influence in the spiritual life, has gone"; and "George Eliot, the literary voice of Darwinism," has fallen into some discredit with the theory that did not solve so many problems as it was expected to. There may be some truth in this, but it is surely a very narrow view, both of the permanence of the moral effects of the evolutionary conception of life, and also of the causes operant in that sort of decline in reputation which is implied in a change of popular reading. In this particular (and in other parts of these articles) the scientific habit of thought shows itself not best adapted to reach those conclusions, at once catholic and exact, which belong to literature in criticism; and, in general, the further Mr. Jacobs gets from the literary points of his subject, and the nearer he comes to the questions of "tendency," of social meaning, of analysis of mental faculty on the side of thought rather than expression, the better he writes. "Psychological" criticism betrays itself in the diction of a sentence like this, which occurs in the paper on Browning: "He attempted not only to give the emotive iridescence of the poetic afflatus, but also at the same time to suggest the accompanying inrush of clustering thoughts." The hand of a man of letters could not write like that, nor would good taste permit such an expression, we think, as this which closes the papers upon George Eliot: "The novelist's art has never been made so sacramental as by George Eliot."

The two extremes of defect in this volume, which calls for no special notice, are illustrated by these quotations—the excess of the scientific spirit and a certain lack of fineness in literary sensibility. These defects, however, do not prevent the notices from being valuable—they are, indeed, alike sound and reasonable within necessary narrow limits; but we cannot add that the reviews tagged on them were really worth reprinting, for the best points in them had already been used for the main article. So small a volume does not bear much repetition of thought and expression.

Introduction to Phonetics. By Laura Soames. London: Swan Sonnenschein.

We have here a book well calculated to make an important science more popular than it has been hitherto. While following, in general, the best authorities, Miss Soames has adapted her style and the arrangement of her material to the intelligence of the average reader; and the numerous word-lists scattered through the volume ought to be as helpful to the beginner as they are interesting to the more advanced student. Considering how little is really known, as yet, about the nature of speech-sounds, we think that the author is quite right in adopting the simplest possible classification, rejecting all obscure and uncertain distinctions. We have some doubts as to the propriety of calling French *o* in *homme* a "back vowel," but in so defining it the author merely follows Passy. In the nomenclature of consonants it would surely have been better to discard the terms "hard" and "soft"; the designation of English *r* as a "trill" looks like cruel sarcasm. Pitch is treated in a somewhat less modern fashion than the other branches of the subject, the authority cited being Trautmann, whose theories seem rather antiquated in the light of Lloyd's recent discoveries.

Nearly half of the book is devoted to the discussion of English; French and German sounds are then briefly described in accordance with the views of Passy and Vietor; the last eighty pages contain exercises and reading lessons. The English pronunciation adopted is nearly that of Sweet's 'Elementarbuch.' Words like *ask* have the "broad" *ah; o* in *bore, court*, etc., is always *aw; loss, soft*, etc., usually have *aw*, but the accented vowel of *halter, palfry, salt, want* is *ŏ; daunt, haunt* are *dawnt, hawnt*, but elsewhere *au* has, in such words, the value *ah;* "*r* is never heard unless a vowel follows it." *Wednesday* is given with the first *d* silent; Sweet's pronunciation is *Wednzdy*. We are grieved to learn that English children of the "middle and lower classes" accent the first syllable of *papa* and *mamma*. The form *ĭdyl*, which is quoted as a mispronunciation common "in the speech of educated people," explains a puzzling rhyme in Gilbert's libretto to "Patience." As was to be expected, many words appear in shapes that are but little known in our country; such are *princess* and *wayside* with the accent on the last syllable, and *plait* pronounced *plat*. The list of "faults characteristic of teachers, that is to say, pedantic efforts to pronounce as we spell," is a most welcome contribution, and might easily have been extended to ten times its present length.

BOOKS OF THE WEEK.

Adams, W. I. L. The Photographic Instructor. New ed. The Scovill & Adams Co. $1.
Allen, J. L. Flute and Violin, and Other Kentucky Tales and Romances. Harper & Bros.
Appletons' Dictionary of New York and its Vicinity. 13th year. D. Appleton & Co.
Bacon, T. S. It Is Written. Wilbur B. Ketcham.
Baker, J. John Westacott: A Novel. New ed. London: Sampson Low & Co.
Barr, Amelia E. She Loved a Sailor. Dodd, Mead & Co. $1.25.
Bates, A. A Book o' Nine Tales. Boston: Roberts Bros. $1.
Baxley, T. R. Songs of the Spirit. Buffalo: Charles Wells Moulton.
Bell, Mrs. H. Chamber Comedies. Longmans, Green & Co. $2.
Biography of Dio Lewis, A.M., M.D. Fowler & Wells.
Bonney, Rev. T. G. Old Truths in Modern Lights. London: Percival & Co.; New York: James Pott & Co.
Boutmy, E. The English Constitution. Macmillan & Co. $1.75.
Bréhat, A. de. Bras d'Acier; or, On the Goldpath in '49. Cassell Publishing Co. 50 cents.
Briggs, Prof. C. A. The Authority of Holy Scripture. 2d ed. Charles Scribner's Sons. 50 cents.
Brooks, W. The Oyster. Baltimore: Johns Hopkins Press.
Crosby, Margaret. A Violin Obligato, and Other Stories. Boston: Roberts Bros. $1.
Combe, T. A Question of Love. Boston: Roberts Bros. $1.
Conkling's Handy Manual of Useful Information. Chicago: Laird & Lee. 25 cents.
Cyclopædia of Temperance and Prohibition. Funk & Wagnalls. $3.50.
Directory of Second-Hand Booksellers and List of Public Libraries. Rochdale, Eng.: James Clegg.
Eight Days. United States Book Co. 50 cents.
Fairchild, Dr. M. Augusta. Women and Health. Quincy, Ill. $2.50.
Fiske, A. K. Beyond the Bourne. Fords, Howard & Hulbert.
Fiske, J. The American Revolution. 2 vols. Boston: Houghton, Mifflin & Co. $4.
Flower, W. H., and R. Lydecker. Introduction to the Study of Mammals, Living and Extinct. Macmillan & Co. $6.
Furniss, Grace L. A Box of Monkeys. Harper & Bros.
Goncourt, E. and J. de. Germinie Lacerteux. Belford Co. 50 cents.
Goncourt, E. and J. de. Mademoiselle Renée Mauperin. Belford Co. 50 cents.
Grant, J. B. Our Common Birds and How to Know Them. Charles Scribner's Sons. $1.50.
Green, T. M. The Spanish Conspiracy: A Review of Early Spanish Movements in the Southwest. Cincinnati: Robert Clarke & Co. $2.
Grey, M. In the Heart of the Storm. D. Appleton & Co. Also, United States Book Co. 50 cents.
Gunsaulus, F. W. Monk and Knight. 2 vols. Chicago: A. C. McClurg & Co. $2.50.
Halliburton, Dr. W. D. A Text-Book of Chemical Physiology and Pathology. Longmans, Green & Co. $9.75.
Hancock, Anson N. The Genius of Galilee. Chicago: Charles H. Kerr & Co.
Hans Andersen's Stories. In two Parts. Boston: Houghton, Mifflin & Co. 30 cents.
Harland, Marion. At Last. G. W. Dillingham.
Harrison, Mrs. B. The Anglomaniacs. Cassell Publishing Co.
Harris, J. C. Balaam and his Master, and Other Sketches and Stories. Boston: Houghton, Mifflin & Co. $1.25.
Hobson, J. A. Problems of Poverty. Methuen & Co.
Howells, W. D. Criticism and Fiction. Harper & Bros.
Howe, F. H. In Spite of Himself. Belford Co. 50 cents.
Huntington, Rev. W. R. The Peace of the Church. Charles Scribner's Sons. $1.25.
Hutchinson, H. G. Famous Golf Links. Longmans, Green & Co. $2.
Idle Time Tales, by F. Coppée, Balzac, etc. Chicago: Rand, McNally & Co.
King, Capt. C. By Land and Sea. Philadelphia: L. R. Hamersley & Co.
Jacobs, J. George Eliot, Matthew Arnold, Browning, Newman: Essays and Reviews. Charles Scribner's Sons. $1.25.
Jennings, L. J. The Philadelphians: A Novel. Harper & Bros. 50 cents.
Jerome, J. Diary of a Pilgrimage. Henry Holt & Co. $1.25.
Jokai, M. There is no Devil: A Romance. Cassell Publishing Co. $1.
Jones, Prof. D. E. Elementary Lessons in Heat, Light and Sound. Macmillan & Co. 70 cents.
Journal of Maurice de Guérin. Dodd, Mead & Co.
Keep, R. The Essential Uses of the Moods in Greek and Latin. Boston: Ginn & Co. 30 cents.
La Favre, Carrica. Mother's Help and Child's Friend. Brentano's.
Langton, R. The Childhood and Youth of Charles Dickens. Charles Scribner's Sons. $1.75.
Lapsus Calami: Poems. Cambridge, Eng.: Macmillan & Bowes.
Lee, F. W. A Shred of Lace. St. Paul, Minn.: The Price-McGill Publishing Co. 50 cents.
Letourneau, C. The Evolution of Marriage and of the Family. Charles Scribner's Sons. $1.25.
Life and Letters of Wilder Dwight. 2d ed. Boston: Little, Brown & Co. $1.
Love's Looking-Glass: A Volume of Poems. London: Percival & Co.
Macfarlane, A. Principles of the Algebra of Logic. Edinburgh: David Douglas.
Marryat, Florence. The Risen Dead. United States Book Co. 50 cents.
Marshall, J. A Short History of Greek Philosophy. London: Percival & Co.; New York: Macmillan & Co. $1.10.
Maupassant, Guy de. Mont-Oriol. Belford Co.
Meyer, Prof. E. von. History of Chemistry. Macmillan & Co. $4.50.
Miller, G. J. Chihuahua. Chicago: Kehm, Fietsch & Wilson Co. $1.
Nathusius, Marie. Elizabeth. Philadelphia: Porter & Coates. $1.50.
Oakes, C. The Canadian Senator. United States Book Co. 25 cents.
Parsons, J. R. Prussian Schools through American Eyes. Syracuse: C. W. Bardeen. $1.
Perry, Rev. W. S. The General Ecclesiastical Constitution of the American Church. Thomas Whittaker. $1.50.
Phelps, Elizabeth S. Fourteen to One. Boston: Houghton, Mifflin & Co. $1.25.
Redgrave, G. R. David Cox and Peter De Wint. Charles Scribner's Sons. $1.25.
Ritchie, Rev. A. What Catholics Believe and Do. New York: Guild of St. Ignatius. 30 cents.
Rooper, T. G. Apperception. Syracuse: C. W. Bardeen. 50 cents.
Saintsbury, G. Essays on French Novelists. Charles Scribner's Sons. $2.
Saintsbury, G. Essays in English Literature, 1780–1860. Charles Scribner's Sons. $2.
Sales, Pierre. A Fair American. Chicago: Rand, McNally & Co.
Salisbury, H. B. Miss Worden's Hero. G. W. Dillingham. 50 cents.
Schönberg, J. Widowed Wife and Wedded Maid. Belford Co. 75 cents.
Scott, Sir W. Lady of the Lake. Macmillan & Co. 40 cents.
Sladen, D. Younger American Poets, 1830–1890. Cassell Publishing Co. $2.
Smith, F. H. Colonel Carter of Cartersville. Boston: Houghton, Mifflin & Co. $1.25.
Sparmann, Helen M. An Attempt at an Analysis of Music. Cincinnati: Robert Clarke & Co.
Stockton, F. R. The Rudder Grangers Abroad, and Other Stories. Charles Scribner's Sons. $1.25.
Strachan, J. Herodotus. Book VI. Macmillan & Co. $1.
Strong, Prof. H. A., W. S. Logeman, and Prof. B. I. Wheeler. Introduction to the Study of Language. Longmans, Green & Co. $3.50.
Swete, Rev. H. B. The Old Testament in Greek. Vol. II. Cambridge: University Press; New York: Macmillan. $2.25.
Swinton, R. B. Chess for Beginners. Boston: Little, Brown & Co.
Thanet, Octave. Otto the Knight, and Other Trans-Mississippi Stories. Boston: Houghton, Mifflin & Co. $1.25.
The Friend of Death. Cassell Publishing Co. 50 cents.
The Laird o' Cockpen. United States Book Co. 50 cents.
The Little Things in Every-day Life. Thomas Whittaker. 25 cents.
The Reader's Guide in Economic, Social and Political Science. G. P. Putnam's Sons. 50 cents.
Theuriet, André. Queen of the Woods. Chicago: Laird, Lee & Co.

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